



CRM-M-58039-2024

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308 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58039-2024

Date of decision: 16.01.2025

SHWETA N SHARMA

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mayank Vashishth, Advocate for
Mr. Ankit Kharbanda, Advocate for the petitioners.
Mr. Nitesh Sharma, DAG, Punjab.
Mr. Navdeep Chhabra, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 528 BNSS seeking quashing of FIR No.112, dated 17.04.2023, under Sections 420, 406, 383 and 506 of the IPC, and under Section 66(D) of the Information Technology Act, 2000 (Section 384 IPC added later on), registered at Police Station Zirakpur, SAS Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of settlement deed dated 23.05.2024 (Annexure P-3).

2. The following order was passed on 21.11.2024 :-

"The present petition has been filed seeking quashing of FIR No.112, dated 17.04.2023, under Sections 420, 406, 383 and 506 of the IPC, and under Section 66(D) of the Information Technology Act, 2000 (Section 384 IPC added later on), registered at Police Station Zirakpur, SAS Narag, and all the other consequential proceedings arising therefrom, on the basis of settlement deed dated 23.05.2024 (Annexure P-3).

Learned counsel for the petitioner submits that the petitioner in pursuance of the settlement deed (supra), is bound to



give hard copy of the resignation, which he has already submitted through e-mail, before the learned trial court concerned, at the time of recording his statement qua compromise.

Notice of motion.

Mr.Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent no.1 and waives service.

At this stage, Mr. Navdeep Chhabra, Advocate, has caused appearance on behalf of respondent no.2, through a memo of appearance, and undertakes to file a validly executed power of attorney in his favour within 15 days from today, with the Registry of this Court. He submitted that he has no objection in case the FIR (supra) is quashed on the basis of compromise (supra).

In view of above, the parties are directed to appear before the learned Illaqa Magistrate/trial Court concerned, to get their respective statements recorded regarding compromise, and after recording their respective statements, the learned trial Court/Illaqa Magistrate concerned, is directed to send the same alongwith its report, regarding the genuineness of compromise, on or before the next date of hearing in the present petition specifically with regard to the following facts:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary, and without any coercion or undue influence and*
- 5. Total number of victims and their names.*

It is made clear that complainant/private respondent should also appear in person before the learned trial Court/Illaqa Magistrate concerned, to get his statement recorded regarding the compromise.

To come up on 16.01.2025.

The State counsel is also directed to verify the factum of compromise by the date fixed.

A copy of this order be sent to the learned trial Court/Illaqa Magistrate for compliance.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.



4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in *Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 46*, and *Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63* and Full Bench of this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052*, this petition is allowed and FIR No.112, dated 17.04.2023, under Sections 420, 406, 383 and 506 of the IPC, and under Section 66(D) of the Information Technology Act, 2000 (Section 384 IPC added later on), registered at Police Station Zirakpur, SAS Nagar (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

January 16, 2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |