IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

<u>**CRIMINAL APPEAL NO.**</u>   **/2023**
(@ SLP (CRL.) NO. 563/2023)

KAMAL PREET MALHOTRA   APPELLANT(S)

VERSUS

THE STATE OF PUNJAB & ANR.   RESPONDENT(S)

<u>**O R D E R**</u>

Leave granted.

We have heard learned counsel appearing
for the appellant and learned counsels appearing for
the respondent-State and for the complainant.

Learned counsel for the appellant submits
that the parties have entered into a compromise and
the prosecutrix does not want to press the charges.
Our attention has been drawn to Annexure P-4 which
is a compromise deed entered into between the
petitioner and the prosecutrix. Paragraph 3, 4 and 5
of said compromise deed reads as under:-

> "3.   That Party No. 2 is of the age of 24
> years and the party no. 1 is married, having
> a small kid of age of 12 years keeping in
> view the young age of the party no. 2 and her
> future prospects and the welfare of the
> family and the little kid of the party no. 1,
> both the parties have agreed to enter into

compromise and lead their peaceful life and to avoid the process of litigation.

4. That now the elders and respectable of the society of both the parties, entered into a compromise. The compromise has been affected without any undue influence or coercion and on the free will of the party no. 2.

5. That now the complainant party no. 2 do not have any kind of objection if the abovesaid FIR will quashed, she is ready to give any kind of statement before any court of law for the cancellation or quashing of any litigation against party no. 1 regarding the abovesaid FIR.

It is submitted that since the parties have entered into a compromise and since the prosecutrix herself is not supporting the prosecution case even if the trial is permitted to go ahead, it will end in acquittal.

Learned counsel appearing for the complainant does not dispute the fact that the parties have entered into a compromise and the prosecutrix is not interested in proceedings with the prosecution.

In view of the peculiar facts and circumstances of the case, the impugned order dated 15.12.2022 passed by the High Court of Punjab and Haryana at Chandigarh, is hereby quashed.

The appellant is held entitled to anticipatory bail. In such circumstances, it is provided that in case the appellant is arrested, he shall be released on bail forthwith on such terms and conditions as may be deemed fit and appropriate by the learned Trial Court/Investigating agency.

The appeal is allowed accordingly. Pending application(s), if any, shall also stand disposed of.

.......................J.
(KRISHNA MURARI)

.......................J.
(SANJAY KAROL)

NEW DELHI
13th MARCH, 2023

ITEM NO.4   COURT NO.13   SECTION II-B

              S U P R E M E   C O U R T   O F   I N D I A
                        RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 563/2023

(Arising out of impugned final judgment and order dated 15-12-2022
in CRMM No. 41483/2022 passed by the High Court Of Punjab & Haryana
At Chandigarh)

KAMAL PREET MALHOTRA   Petitioner(s)

                              VERSUS

THE STATE OF PUNJAB & ANR.   Respondent(s)

(IA No. 8104/2023 - EXEMPTION FROM FILING O.T.)

Date : 13-03-2023 This matter was called on for hearing today.

CORAM :
         HON'BLE MR. JUSTICE KRISHNA MURARI
         HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s)
                    Ms. Savita Devi, Adv.
                    Mr. Anil Soni, Adv.
                    Mr. Shashank Singh, AOR
                    Ms. Monika, Adv.

                    Mr. Dilip Kumar, Adv.
                    Mr. Jugul Kishor Gupta, AOR

For Respondent(s)
                    Mr. Karan Sharma, AOR
                    Mr. Rohit Kaliyar, Adv.
                    Mr. Mohit Siwach, Adv.
                    Mr. Rishabh Sharma, Adv.

         UPON hearing the counsel the Court made the following
                         O R D E R

         Leave granted.

         The appellant is held entitled to anticipatory bail. In

such circumstances, it is provided that in case the appellant is

arrested, he shall be released on bail forthwith on such terms and

conditions as may be deemed fit and appropriate by the learned Trial Court/Investigating agency.

The appeal is allowed in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(SONIA GULATI)   (BEENA JOLLY)
SENIOR PERSONAL ASSISTANT   COURT MASTER (NSH)
(Signed order is placed on the file)