

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Crl. Misc. No. M-34311 of 2015
Date of Decision:-04.11.2015**

Ajit Singh Saini

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Manoj Pundir, Advocate,
 Ms. Monika, Advocate for the petitioner.

 Mr. Gurinderjit Singh, DAG, Punjab.

 Mr. H.K. Brinda, advocate for respondent No.3.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for quashing of FIR No.64 dated 09.05.2015 (Annexure P-1) under Sections 406, 498-A and 323 IPC, registered at Police Station Kurali, Tehsil Kharar, District SAS Nagar (Mohali) and all the proceedings subsequent arising thereto on the basis of settlement/compromise dated 08.09.2015 (Annexure P/2.)

This Court vide order dated 07.10.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to the compromise dated 08.09.2015 (Annexure P/2) and the Illaqa Magistrate/trial Court was directed to submit its report.

Pursuant to the aforesaid order dated 07.10.2015, the parties have appeared before learned Addl. Judicial Magistrate Rupnagar and have got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has forwarded his report dated 21.10.2015 to the effect that the parties have willfully settled their differences and reached at bona fide compromise without any pressure and the same is genuine.

Learned counsel for the petitioner contends that the parties are now residing happily as husband and wife.

Mr. H.K. Brinda, Advocate has put in appearance on behalf of respondent No.3 and admits the factum of the compromise effected between the parties.

Statement of the complainant-respondent no.3, namely, Gurpreet Kaur wife of Ajit Singh Saini r/o H. No.1218/10 Gobindpuri Kalkaji, New Delhi, reads as under:-

“Stated that I have heard the statement of my husband recorded before the court today and admit the same to be correct. I also admit the compromise recorded amongst us before Mediation Centre mark A bearing my signatures. In accordance with the compromise I have started residing in my matrimonial home since last one month. I have not faced any difficulty during the said period. In accordance with the compromise I have got no objection in case FIR got registered by me against my husband be quashed by Hon'ble High Court. The compromise has been effected for the better future of the parties. The said compromise has been effected with my free consent without any sort of pressure, coercion or undue influence. On account of compromise I do not intend to take any action either against the accused or any of the person named in my complaint that lead to registration of FIR.

RO & AC
Sd/-Gurpreet Kaur

(Rajvinder Singh)
ACJM/Rupnagar
16.10.2015”

Learned counsel for the State, on instructions from ASI-Narinder Singh has also not disputed the factum of compromise entered between the parties.

Apart from the statement of the complainant, whereby she has shown no objection to the FIR being quashed, there is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)*, as approved by the Hon'ble Supreme Court in *Gian Singh vs. State of Punjab and others, (2012)10 SCC 303*, this petition is allowed and FIR No.64 dated 09.05.2015 (Annexure P-1) under Sections 406, 498-A and 323 IPC, registered at Police Station Kurali, Tehsil Kharar, District SAS Nagar (Mohali) and all the proceedings subsequent arising thereto on the basis of settlement/compromise dated 08.09.2015 (Annexure P/2.), are hereby quashed, qua the petitioner.

Learned counsel for the parties jointly submit that the case property is lying with the police.

It is directed that on an application moved by the parties, the case property will be released to the parties in accordance with law.

(HARI PAL VERMA)
JUDGE

November 04, 2015
Anjal