

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

**CRM-M-13870 of 2016(O&M)
Date of Order: 11.11.2016**

Partap Singh and others

..Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Jasbir Singh, Advocate, for
Mr. M.K.Singla, Advocate,
for the petitioners.
Mr. Deep Singh, AAG, Punjab.
Mr. Tushant Deep Garg, Advocate,
for respondent no.2.

ANITA CHAUDHRY, J. (Oral)

The instant petition is for quashing of FIR No.292, dated 06.10.2015, registered under Sections 406, 498-A and 34 IPC, Police Station Barnala, District Barnala and all the consequent proceedings arising out of the same, on the basis of written compromise arrived at between the parties.

Report has been received from the trial Court after statements of the parties were recorded regarding the compromise. The trial Court has reported that the compromise is genuine, voluntarily and without any coercion or undue influence and the statements recorded by the complainant party as well as accused are not the result of any pressure and coercion. The trial court has also sent photocopies of statements of parties.

Learned counsel for the State on instructions submits that petitioners are the only accused and respondent no.2 is the only

aggrieved person in this FIR.

Learned counsel for the complainant has pointed out that the petition under Section 13-B was dismissed as mandatory period of one year had not been completed and they will have to file the petition again after completion of the mandatory period. Though, the complainant has received the money.

Petitioner would stand by his statement and support the complainant in the petition that would be subsequently filed under Section 13-B of the Hindu Marriage Act, 1955. The complainant can approach this Court for revival of the petition in case necessity arises.

No useful purpose would be served to keep the FIR pending.

In view of the statements and report of the trial Court and 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**, approved by Hon'ble Apex Court in **Gian Singh vs. State of Punjab and others (2012) 10 SCC 303**, the instant petition is allowed and the aforesaid FIR and all consequent proceedings conducted on the basis thereof are quashed qua the petitioners.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

November 11, 2016
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(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No