

**201-2 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-23975-2018 (O&M)

Date of decision : 04.12.2018

Jatinder Sethi and others

.....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present: Mr. Parveen Sharma, Advocate for
Mr. Deepak Sharma, Advocate
for the petitioners.

Mr. Tanvir Joshi, A.A.G., Punjab.

Mr. G.S. Brar, Advocate
for respondent No.2.

ANITA CHAUDHRY, J(ORAL)

The instant petition is for quashing of FIR No.47 dated 08.03.2013 registered under Sections 406/498-A of IPC later on Sections 201 and 109 IPC were added at Police Station Rajpura City, District Patiala and the consequent proceedings arising out of the same, on the basis of 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 voluntary and without any pressure or coercion. The trial Court has also sent copies of the statements of the parties. The complainant has made a conditional statement.

Counsel for the parties states that a petition under Section 13-B of the Hindu Marriage Act is fixed for second motion tomorrow i.e. 05.12.2018.

It was agreed that the FIR has to be quashed before the second statement but the complainant has changed the statement which cannot be allowed.

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.

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 Vs. 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. In case, something gone wrong, one can come back and approach.

December 04, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No