

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-21533-2019 (O&M)  
Date of Decision:-18.9.2019

Amit Sharma and another ... Petitioners

Versus

State of Punjab and another ... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Gagandeep Singh Manku, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. A.S. Manaise, Advocate for respondent No.2.

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**GURVINDER SINGH GILL, J.(Oral)**

The petitioners have approached this Court seeking quashing of FIR No.36 dated 7.4.2013 registered at Police Station Ghuman, Police District Batala, District Gurdaspur under Sections 376 and 506 of Indian Penal Code, 1860 and all subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Normally, this Court would not interfere in a matter pertaining to offences under Section 376 IPC on the assertion that the parties have compromised the matter but peculiar facts of the present case compel this Court to exercise its jurisdiction under Section 482 Cr.P.C. In the present case, the complainant is none else but the wife of petitioner No.1. Infact petitioner No.1 and the complainant had solemnized marriage against wishes

of their parents and had also approached this Court seeking protection of their life and liberty. However, subsequently their matrimonial relations became strained leading to institution of some cases between them. However, subsequently it appears that the parties have amicably resolved their issues and infact have also got their marriage dissolved by way of filing a petition under Section 13-B of Hindu Marriage Act seeking divorce by mutual consent, which stands accepted vide judgment and decree dated 2.7.2015.

Pursuant to directions issued by this Court on 13.5.2019, statements of the parties have been recorded by learned Judicial Magistrate 1<sup>st</sup> Class, Batala.

The prosecutrix has categorically stated therein that the matter stands compromised with the accused with the intervention of respectables and that they have no grudge against each other and that she has no objection for quashing of the FIR.

The learned Judicial Magistrate 1<sup>st</sup> Class, Batala has specifically opined that the parties have entered into compromise voluntarily without there being any pressure, coercion or undue influence. The learned State counsel has informed that the police has also presented a cancellation report in the matter.

In view of the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, and in view of the above stated exceptional circumstances, the present petition is allowed and FIR No.36 dated 7.4.2013 registered at Police Station Ghuman, Police District Batala, District Gurdaspur under Sections 376 and

506 of Indian Penal Code, 1860 and all subsequent proceedings emanating therefrom are hereby quashed qua petitioners.

18.9.2019

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( Gurvinder Singh Gill )  
Judge

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No