

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

251

CRM-M-46825-2018

Date of Decision:05.04.2019

Veshar and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Rahul Jaswal, Advocate,
for the petitioners.**

Mr. Jagmohan Ghumman, D.A.G., Punjab.

**Mr. Randeep Singh, Advocate for
Mr. Vipin Mahajan, Advocate,
for respondent No.2.**

**Mr. Vansh Malhotra, Advocate,
for respondent No.3.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.62 dated 17.04.2017 under Sections 363, 366-A IPC, registered at Police Station Ajnala, District Amritsar Rural (Annexure A-1) and all subsequent proceedings arising therefrom on the basis of settlement/compromise dated 12.02.2019 arrived at between the parties before the Mediation and Conciliation Centre of this Court.

This Court vide order dated 25.01.2019 had directed the parties to appear before the Mediation and Conciliation Centre of this Court.

Learned counsel for the petitioners states that pursuant to the

aforsaid order, parties have appeared before the Mediation and

Conciliation Centre. A report has been received from the Mediator dated 12.02.2019 to the effect that the parties have settled their disputes by way of amicable settlement. As per settlement/compromise, the parties have mutually resolved all the issues/disputes between them and have decided that respondent No.3-Usmana @ Shakura @ Sabroon and petitioner No.1-Veshar will remain together as husband and wife as the respondent No.2 has accepted their marriage which was solemnized on 02.05.2017 according to Islamic Law.

The relevant clause No.5 of the settlement/compromise dated 12.02.2019 arrived at between the parties before the Mediator, reads as under:

“5. The following settlement has been arrived at between the parties:

(i) The parties have mutually agreed to resolve all the issues/disputes between them and have decided that the respondent No.3-Usmana and petitioner No.1-Veshar will remain together as husband and wife as the respondent No.2 has accepted their marriage which was solemnized on 02.05.2017 according to Islamic Law and he has agreed that he will not interfere unnecessarily in their matrimonial life.

(ii) The respondent No.2 has further agreed that the respondent No.3 can live wherever she wants with petitioner No.1.

(iii) It has been further agreed that the respondent No.3 and petitioner No.1 will also give due respect to the respondent No.2 and other relatives of the girl side and there will not be any unnecessarily ramblings with each other.

(iv) The respondent Nos.2 and 3 have further agreed that they do not have any objection if the present FIR is quashed qua all the petitioners on the basis of above conditions.”

Learned State counsel as well as the counsel for respondent

Nos.2 and 3 have not disputed the factum of compromise between the parties.

Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and FIR No.62 dated 17.04.2017 under Sections 363, 366-A IPC, registered at Police Station Ajnala, District Amritsar Rural (Annexure A-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of settlement/compromise dated 12.02.2019 arrived at between the parties before the Mediation and Conciliation Centre of this Court.

April 05, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No