

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

CRM-M-22005-2019 (O&M)
Date of Decision:- 12.9.2019

Dinesh Gupta and another ... Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishal Aggarwal, Advocate, for the petitioners.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The present petition has been filed for quashing of Complaint No.6, dated 29.1.2016 and consequent proceedings including judgment dated 21.1.2019 passed by learned Judicial Magistrate 1st Class, SAS Nagar, Mohali, whereby the petitioners stand convicted for offence under Sections 406, 498-A IPC and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. Vide order dated 14.5.2019 the parties had been directed to appear before the Illaqa Magistrate/trial Court so as to get the statements recorded.
3. Report of learned Chief Judicial Magistrate, Mohali, has been received wherein it has been reported that statement of complainant Bhanu Priya as well as of petitioners/accused Dinesh Gupta and

Ashok Gupta, have been recorded to the effect that they have entered into a compromise with the intervention of respectables. The complainant has specifically stated that the matter has been compromised with the petitioner and she does not want to pursue with the matter. Learned Chief Judicial Magistrate, Mohali, opined that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

4. In view of the aforesaid report and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition is allowed and Complaint No.6, dated 29.1.2016, and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners. Consequently judgment dated 21.1.2019 passed by learned Judicial Magistrate 1st Class, SAS Nagar, Mohali, whereby the petitioners stand convicted for offence under Sections 406, 498-A IPC is also set aside.

September 12, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No