

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

CRM M-43749 of 2018

Date of Decision: November 05, 2019

Sandeep Kumar and othersPetitioners
Versus

State of Punjab and another ... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. Inderjit Sharma, Advocate
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Robin Singh, Advocate
for respondent No.2.

FATEH DEEP SINGH, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 48 dated 20.05.2015 under Sections 498-A and 406 IPC registered at Police Station City Gurdaspur, District Gurdaspur (Annexure P-1) and all the consequent proceedings arising therefrom on the basis of compromise deed dated 29.09.2018 (Annexure P-2).

This Court vide order dated 04.10.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness

of the compromise.

Pursuant to the aforesaid order, the parties had appeared before the Judicial Magistrate 1st Class, Gurdaspur and got their statements recorded on 16.03.2019 and report dated 27.03.2019 has been received but the same was not supported by the statements of the parties and this Court vide order dated 22.05.2019 again directed the Court below to send the entire report with statements for 30.09.2019.

On 30.09.2019, upon non-compliance of order dated 22.05.2019, this Court issued notice to the Presiding Officer as well as the District and Sessions Judge, Gurdaspur to show cause as to how they had failed to make compliance of the orders of this Court and why necessary action be not initiated under the law.

In response to the show cause notice, vide letter No. 17822 dated 31.10.2019, learned District and Sessions Judge, Gurdaspur submitted that compliance of order dated 04.10.2018 passed by this Court has already been undertaken vide letter no.136 dated 27.03.2019 and compliance of order dated 22.05.2019 unfortunately could not be made as the requisite statements had already been submitted.

In view of the reply filed, no further action is necessitated and ordered accordingly.

Subsequent, report dated 09.10.2019 of learned Judicial Magistrate 1st Class, Gurdaspur has been received alongwith photocopies of the statements of the parties recorded earlier, which are attested to be the true copies by the learned Presiding Officer and the Court has shown its satisfaction that the compromise has been arrived at voluntarily, out of free will of the parties, without any undue influence, coercion or pressure.

Heard.

In the light of the satisfaction shown by the Court and the fact that the dispute between the parties being a pure matrimonial and the offences for which the accused have been hauled up are not of serious nature, together with the fact that compromise will go a long way in ironing out differences for betterment of future life of the parties and in view of the law laid down in '**Gian Singh Vs. State of Punjab and another**' **2012 (4) RCR (Criminal) 543** and '**Kulwinder Singh and others Vs. State of Punjab and another**' **2007 (3) RCR (Criminal) 1052**, the prayer made in the petition is allowed, proceedings by way of FIR No. 48 dated 20.05.2015 registered at Police Station City Gurdaspur, District Gurdaspur under Sections 498-A and 406 IPC and all consequences arising out of the said FIR qua the petitioners are quashed.

The petition stands allowed in those terms.

November 05, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No