

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

**CRMs-4442 & 4444-2020 IN/AND
CRM-M-54763-2018
Decided on : 10.02.2020**

Jyoti Sarup Jaura and others

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Lalit Singla, Advocate for
Mr. Ankur Mittal, Advocate
for the applicant-petitioner(s).

Ms. Bhavna Gupta, DAG, Punjab.

Mr. G.S. Kaura, Advocate
for the respondent No.2 - complainant.

MANJARI NEHRU KAUL, J. (Oral)

CRM-4442-2020

This is an application under Sections 482 Cr.P.C. seeking preponement of the date of hearing fixed in the main petition in view of fact that petitioner No.1 and respondent No.2 have obtained divorce with mutual consent on 02.07.2019 (Annexure P-4) and statement of the parties *qua* the compromise in the instant case, have already been recorded before the trial Court *qua* which a report too has been received.

After hearing learned counsel for the parties, perusing the averments made in the application, which is supported by an affidavit of applicant-petitioner No.1, the instant application is allowed and the main is preponed from 06.05.2020 to today itself.

CRM-4444-2020

Certified copies of orders dated 02.12.2019 and 20.12.2019,

(annexed as Annexures P-5 & P-6, respectively), filed along with the instant application are taken on record, subject to all just exceptions. Office to tag the same at the appropriate place.

CRM stands disposed off.

CRM-M-54763-2018

The instant petition is for quashing of FIR No. 33, dated 22.05.2015, lodged under Sections 498-A, 406 IPC, registered at Police Station Women Cell, Jalandhar City and all the consequential proceedings arising out of the same, on the basis of compromise dated 22.11.2018 (Annexure P-2) as well as affidavit of compromise dated 28.11.2018 (Annexure P-3) arrived at, between the parties.

Vide order dated 22nd November, 2019 of this Court, the parties were directed to appear before the learned Illaqa Magistrate to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from the learned JMJC, Jalandhar, in pursuance to the direction of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that she would have no objection if the FIR *qua* the accused-petitioners is quashed. The trial Court has annexed the statements of the parties in original, alongwith its report.

Learned State counsel too submits that there are no other accused other than the petitioners and respondent No.2 is the only aggrieved person in the FIR in question.

In view of the report of the learned JMIC, Jalandhar and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

(MANJARI NEHRU KAUL)
JUDGE

February 10, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*