

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

244

(Through Video Conferencing)

CRM-M-5878-2020

Date of decision: 26.10.2021

Arun Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Prateek Sodhi, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab
for respondent No.1-State.

Mr. V.K. Sandhir, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.63, dated 24.08.2018, lodged under Sections 406 and 498-A of the Indian Penal Code, 1860 registered at Police Station Women Cell, District Police Commissionerate Amritsar and the consequential proceedings arising out of the same, on the basis of compromise/mutual divorce (Annexure P-2) arrived at, between the parties.

Vide order dated 11.02.2020 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 19.03.2020 to get their statements recorded regarding the compromise arrived at, between them.

However, on application-CRM-30517-2017 filed by the petitioner for recording statements of the parties regarding compromise through video conferencing, the parties were allowed to record statements qua the factum of compromise through video conferencing after moving an application before the trial Court/Illaq Magistrate

concerned in this regard.

Report has since been received from learned Judicial Magistrate, Ist Class, Amritsar, 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-petitioner is quashed.

The trial Court has annexed copies of statements of the parties alongwith its report.

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

In view of the report of the learned Judicial Magistrate, Ist Class, Amritsar 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.

26.10.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No