

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

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**CRM-M-21557 of 2019 (O&M)
Date of Decision: 14.12.2021**

Pawan Kumar Jakhu and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Munish Puri, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. M.S. Virk, Advocate for respondent No.2.

Manjari Nehru Kaul, J.(Oral)

The instant petition is for quashing of FIR No.161 dated 05.07.2018, lodged under Section and 498-A of the Indian Penal Code, 1860, and Section 4-B of the Dowry Prohibition Act, 1961, registered at Police Station Tanda, District Hoshiarpur and the consequential proceedings arising out of the same, on the basis of compromise dated 07.01.2019 arrived at between the parties.

Learned counsel for the petitioners submits that on account of matrimonial dispute between the parties, the FIR in question came to be registered. However, subsequent to the registration of the FIR, the parties have arrived at an amicable settlement. He further submits that a joint petition under Section 13-B of the Hindu Marriage Act has been filed and the second motion statement of the parties before the Family Court is due to be recorded on 15.12.2021.

Learned counsel for the complainant does not dispute the submissions made by the counsel opposite.

Vide order dated 27.10.2021 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Judicial Magistrate Ist Class, Dasuya, 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 photocopy of statements of the parties, 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 Judicial Magistrate, Ist Class, Sirsa 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

14.12.2021
D.Bansal

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