

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

237

(Through Video Conferencing)

CRM-M-16302-2021

Date of decision: 29.10.2021

Davinder Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rishabh Garg, Advocate for
Mr. Aayush Gupta, Advocate
for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab
for respondent No.1-State.

Mr. Varshit Garg, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.0009 dated 14.01.2021, dated 14.01.2021, lodged under Sections 498A, 406 and 506 of the Indian Penal Code, 1860 registered at Police Station Dakha, District Ludhiana Rural and the consequential proceedings arising out of the same, on the basis of compromise dated 24.03.2021 (Annexure P-2) and affidavit dated 25.03.2021 (Annexure P-3) arrived at, between the parties.

Learned counsel for the parties have submitted that it is on account of matrimonial dispute the FIR in question came to be registered against the petitioners and now the parties have decided to part their ways and filed a petition under Section 13-B of the Hindu Marriage Act, 1955 for mutual divorce.

Vide order dated 22.04.2021 of Coordinate Bench of this

Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate within one month from the date of order to get their statements recorded regarding the compromise arrived at, between them.

However, on application filed by the petitioners, vide order dated 22.07.2021 the parties were again directed to appear before trial Court/Illaq Magistrate on 20.08.2021 for getting their statements recorded with regard to the factum of compromise so effected between them.

Report has since been received from learned Judicial Magistrate, Ist Class, Ludhiana, 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 copies 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, Ludhiana 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.

29.10.2021

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(MANJARI NEHRU KAUL)
JUDGE

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