IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-17246-2021
Decided on : 29.11.2021

Amit Kumar and others

. . . Petitioner(s)

Versus

State of Haryana and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Sandeep Gahlawat, Advocate, for the petitioner(s).

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Mr. Ashutosh Hoshiarpuri, Advocate
for respondent No.2.

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MANJARI NEHRU KAUL, J. (Oral)

The instant petition is for quashing of FIR No. 828, dated 08.12.2016under Sections 323, 498-A, 506 of IPC, registered at Police Station Rohtak City, (Annexure P-1) and all the consequential proceedings arising out of the same, on the basis of compromise (Annexure P-2).

Learned counsel submits that the FIR in question come into being on account of a matrimonial dispute between the parties, however, subsequently, the parties amicably resolved their disputes and a joint petition under Section 13-B of the Hindu Marriage Act, 1955, was filed before the Family Court, Rohtak, wherein, a decree of divorce had been passed vide order dated 15.03.2021 (Annexure P-3).

Vide order dated 23rd April, 2021, of this Court, the parties were directed to appear before the learned Illaqa Magistrate/trial Court on 15th July, 2021, to get their statements recorded, regarding the compromise arrived at, between them.

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Report has since been received from the learned CJM, Rohtak, 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 copies of the statements of the parties original along with 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 CJM, Rohtak, 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

November 29, 2021
J.Ram

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

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