IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

236

(Through Video Conferencing)

CRM-M-26853-2021
Date of decision: 12.10.2021

Abhishek Sharma .....Petitioner

Versus

Union Territory, Chandigarh and another .....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Satish Kumar, Advocate
for the petitioners.

Mr. Deepinder Brar, Addl. Public Prosecutor
for respondent No.1-U.T., Chandigarh.

Mr. Rao Ajinder Singh, Advocate
for respondent No.2.

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MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.18, dated 24.01.2020, lodged under Sections 323, 406 and 498-A of the Indian Penal Code, 1860 registered at Women Police Station Sector 17, Chandigarh and the consequential proceedings arising out of the same, on the basis of compromise dated 28.02.2020 (Annexure P-2) arrived at, between the parties.

Learned counsel for the parties have submitted that the parties have filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 and marriage of the parties has been dissolved by a decree of divorce.

Vide order dated 19.08.2021 of this Court, the parties were directed to appear before the learned trial Court/Illaqa Magistrate on 15.09.2021 to get their statements recorded regarding the compromise arrived at, between them.

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Report has since been received from learned Judicial Magistrate, Ist Class, Chandigarh, 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 the statements of the parties in original, alongwith its report.

Learned State counsel too submits that there is 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, Chandigarh 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.

12.10.2021 **(MANJARI NEHRU KAUL)**
Vinay **JUDGE**

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

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