

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

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**CRM-M-34099-2021
Decided on : 25.10.2021**

Boota Khan @ Mohd. Buta and another

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Ms. Poorva Gupta, Advocate for
Mr. Sunny K. Singla, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab.

Mr. M.S. Yadav, Advocate
for respondent No.2-complainant.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition is for quashing of FIR No. 27, dated 16.03.2018, lodged under Sections 406, 498-A of IPC, registered at Police Station City-II, Malerkotla, District Sangrur (appended as Annexure P-1) and all the consequential proceedings arising out of the same, on the basis of compromise-deed and Annexure dated 06.08.2021 (appended as Annexures P-2 & P-3) arrived at, between the parties.

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

Learned counsel for the parties submit that with the intervention of respectables and relatives, the parties have resolved their disputes and arrived at an amicable settlement. In pursuant thereto, the parties have taken divorce by way of mutual consent and the same has been reduced in to writing on 21.09.2021 and at the time of recording of statements before the learned Illaqa Magistrate/trial Court on 23rd September, 2021, an attested photocopy of the same had been filed by the

parties.

Report has since been received from the learned JMIC, Malkerkotla, 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 in 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 JMIC, Malkerkotla, 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

October 25, 2021

J.Ram

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