

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

269

**CRM-M-37027-2021
Decided on : 29.11.2021**

Harinder Singh and another

... Petitioner(s)

Versus

State of U.T. Chandigarh and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

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

Mr. Rajeev Anand, Addl. PP, UT, Chandigarh.

Ms. Amandeep Kaur, Advocate for
Mr. T.S. Gill, Advocate, for respondent No.2.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition is for quashing of FIR No. 82, dated 28.09.2018 Sections 406, 498-A of IPC, registered at Police Station Women, Sector 17, Chandigarh (Annexure P-1) and all the consequential proceedings arising out of the same including the final report/challan under Section 173(2) Cr.P.C. as well as charge-sheet, on the basis of compromise-deed dated 23.08.2021 (Annexure P-3).

Learned counsel for the petitioners submits that the marriage between the parties stands dissolved by mutual consent in the joint petition filed under Section 13-B of the Hindu Marriage Act, 1955. The said fact is not disputed by learned counsel appearing on behalf of respondent No.2.

Vide order dated 09th September, 2021, of this Court, the parties were directed to appear before the learned Illaqa Magistrate/trial Court on 29th October, 2021, to get their statements recorded, regarding the compromise arrived at, between them.

Report has since been received from the learned JMIC, 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-petitioners is quashed. The trial Court has annexed the photocopies of the statements of the parties 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, 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.

(MANJARI NEHRU KAUL)
JUDGE

November 29, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*