

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

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**CRM-M-41608-2021
Decided on : 29.11.2021**

Rakesh Kumar

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Rahul Bhargava, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab

Ms. Arti Kaur, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition is for quashing of FIR No. 126, dated 08.05.2021, under Sections 406, 498-A of IPC, registered at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1) and all the consequential proceedings arising out of the same, on the basis of compromise dated 05.08.2021 (Annexure P-2).

Learned counsel for the petitioner submits that the FIR in question came into being on account of matrimonial dispute between the parties. However, later on, the parties have amicably resolved their disputes vide compromise Annexure P-2 and pursuant thereto, a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for taking divorce by way of mutual consent, has been filed before the Family Court concerned, wherein, first motion statements have been recorded.

Learned counsel appearing for respondent No.2 -complainant has not disputed the aforesaid fact.

Vide order dated 05th October, 2021, of this Court, the parties were directed to appear before the learned Illaqa Magistrate/trial Court on 28th October, 2021, to get their statements recorded, regarding the compromise arrived at, between them.

Report has since been received from the learned SDJM, Sultanpur Lodhi, 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 in along with 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 SDJM, Sultanpur Lodhi, 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*