

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

280

**CRM-M-32151-2019
Decided on : 29.11.2021**

Gurjit Singh

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Ramesh Chand Sharma, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab

Mr. Nitin Sharma, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition is for quashing of FIR No. 26, dated 26.12.2018, under Sections 323, 498-A of IPC, registered at Police Women Cell Mohali, District Mohali (Annexure P-1) and all the consequential proceedings arising out of the same, on the basis of compromise dated 12.07.2019 (Annexure P-2).

Learned counsel for the petitioner submits that it was on account of marital discord between the parties, the FIR in question came into existence. However, later on, the matter has been amicably settled between the parties and the complainant-wife has returned to her matrimonial home and is now residing with the petitioner.

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

Vide order dated 23rd September, 2021, of this Court, the parties were directed to appear before the learned Illaqa Magistrate/trial Court on 25th October, 2021, to get their statements recorded, regarding the compromise arrived at, between them.

Report has since been received from the learned JMIC, Mohali, 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 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 JMIC, Mohali, 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*