

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.242

Case No. : Crl. Misc. No.M-43113 of 2021

Date of Decision : December 02, 2021

Vikas @ Vikash Kumar Soni and another Petitioners
vs.

Union Territory, Chandigarh and another Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present : Mr. Arun Singla, Advocate
for the petitioners.

Mr. Anupam Bansal, APP, Chandigarh.

Mr. Prabhdeep Singh Toor, Advocate
for respondent no.2.

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MANJARI NEHRU KAUL, J. (Oral) :

The instant petition is for quashing of FIR No.0033 dated 26.01.2019, lodged under Sections 406, 498-A IPC, registered at Women Police Station, Chandigarh and the consequential proceedings arising out of the same, on the basis of compromise (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners submits that subsequent to the registration of FIR in question, which emanates from a matrimonial dispute between petitioner no.1 and respondent no.2, the parties have arrived at an amicable settlement on the basis of compromise. It has also been submitted that marriage between the parties stands dissolved by way of decree of divorce under Section 13-B of the Hindu Marriage Act, 1955.

Mr. Prabhdeep Singh Toor, Advocate, who has put in appearance for respondent no.2, does not dispute the factum of compromise having been arrived at between the parties vide compromise Annexure P-2 and also the marriage between the parties having been dissolved under Section 13-B of the Hindu Marriage Act, 1955.

Vide order dated 12.10.2021 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 11.11.2021 to get their statements recorded regarding the compromise

arrived at between them.

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-petitioners is quashed.

The trial Court has annexed 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 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 a 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.

December 02, 2021

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No