

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.
(208)**

CRM-M-39541-2020

Date of Decision: 28.1.2021

Sunny and another

....Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ashok Kumar Arora, Advocate
for the petitioner (s).

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Neeraj Yadav, Advocate,
for respondent No.2.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Prayer in this petition is for quashing of FIR No.44 dated
10.12.2019 registered under Sections 406, 498A IPC at Police Station
Women, Amritsar (City) on the basis of compromise arrived at between the
parties.

The above stated FIR was registered on the statement of the
complainant/respondent No.2-Sapna.

During the course of preliminary hearing, the trial Court/Illaq
Magistrate was directed to record the statements of the all the concerned
parties with regard to genuineness and validity of the compromise vide
order dated 27.11.2020.

Report has been received from Judicial Magistrate Ist Class,

appeared in the Court below and their statements were recorded, in which they have admitted to have entered into a voluntary compromise, without any pressure, coercion, undue influence and inducement from any quarter. The Court below has also given report to the effect that the compromise is genuine which has been voluntary made by the parties out of their free will and without any threat or coercion. Further, the complainant has stated that she has no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Along with the report statement of the complainant and the accused, have been annexed.

I have heard learned counsel for the parties besides going through the record.

It is proved on record that the parties have amicably settled their dispute by means of compromise.

Counsel for the parties are *ad idem* that in view of the settlement of dispute between the parties, the criminal prosecution is liable to be quashed as per compromise. They also stated that the petition filed by the parties under Section 13-B of Hindu Marriage Act has also been allowed by the Family Court.

This Court is of the view that the aforesaid compromise is in the welfare and interest of the parties. There is no impediment in honouring their wishes into reality and quash the criminal prosecution to set the matter at rest to enable them to live in peace and enjoy their life in a dignified manner.

For the reasons aforesated and having regard to the principles

laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, this petition is allowed and the aforesaid FIR as well as all the subsequent proceedings arising therefrom are hereby quashed.

Needless to mention that both the parties will abide by the terms and conditions of the compromise in letter and spirit. In case of breach of any terms and conditions of the settlement by any of the parties, aggrieved party would be at liberty to file fresh petition to obtain appropriate relief in this regard as per law.

January 28, 2021

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No