

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

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**CRM-M-45179 of 2021
Date of Decision: 14.12.2021**

Amandeep Singh

...Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Piyush Setia, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Ravish Bansal, Advocate for respondent No.2.

Manjari Nehru Kaul, J.(Oral)

The instant petition is for quashing of FIR No.138 dated 08.09.2020, lodged under Sections 406 and 498-A of the Indian Penal Code, 1860, registered at Police Station Arniwala, District Fazilka and order dated 08.09.2021 passed by JMIC, Fazilka vide which charges under Sections 406 and 498-A were framed and the consequential proceedings arising out of the same, on the basis of compromise dated 17.09.2021 arrived at between the parties.

Learned counsel for the petitioner submits that on account of matrimonial dispute between the parties, the FIR in question came to be registered. However, subsequent to the registration of the FIR, the parties have arrived at an amicable settlement and also filed a joint petition under Section 13-B of the Hindu Marriage Act. He further submits that the second motion statement of the parties is due to be recorded in the petition filed under Section 13-B of the Hindu Marriage Act on 18.03.2022.

Learned counsel for the complainant does not dispute the submissions made by the counsel opposite.

Vide order dated 28.10.2021 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Judicial Magistrate Ist Class, Fazilka, 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-petitioner is quashed.

The trial Court has annexed the statements of the parties in original, alongwith its report.

Learned State counsel too submits that there are 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 Judicial Magistrate, Ist Class, Sirsa 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

14.12.2021
D.Bansal

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No