

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

Sr. No.262

CRM-M No.48028 of 2019

DATE OF DECISION: 03.09.2021

Shiv Raj Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondent

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

(Through Video-Conferencing)

Present:- Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. A.K.Ranolia, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.58, dated 12.07.2011, lodged under Sections 498-A, 406 of IPC, registered at Police Station Kalanaur, District Gurdaspur (Annexure P-1) alongwith all other consequential proceedings including order dated 08.05.2014 (Annexure P-2) passed by the Court of learned Judicial Magistrate Ist Class, Gurdaspur wrongly declaring the petitioner as proclaimed offender and all the consequential proceedings arising out of the same, on the basis of compromise/Settlement Deed dated 23.09.2021 (Annexure P-3) arrived at, between the parties.

Vide order dated 6th July, 2021 of this Court, the parties were

directed to appear before the learned Illaqa Magistrate/trial Court on 17.02.2020, to get their statements recorded, regarding the compromise arrived at, between them.

Report has since been received from the learned JMIC, Gurdaspur, in pursuance to the direction of this Court, wherein, it is stated that the petitioner namely, Shiv Raj Singh who had been declared as proclaimed offender vide order dated 08.05.2014 had since appeared before the Court and thereafter, released on bail. Report also reveals that the matter had been amicably settled between the parties and the same has been effected without any pressure or coercion and out of their free will. The complainant has also made a statement to the said effect and stated that she would have no objection if the FIR *qua* the accused-petitioners is quashed. The trial Court has annexed the statements in original of the parties along with 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 JMIC, Gurdaspur, 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.

3rd September, 2021

Shivani Kaushik

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No