IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-48920-2019 (O&M)
Decided on : 16.12.2021

Rakesh Kumar and another

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Deepak Aggarwal, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab.

None for respondent No.2 - complainant.

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MANJARI NEHRU KAUL, J. (Oral)

The instant petition is for quashing of FIR No. 513, dated 02.10.2009, lodged under Sections 498-A, 323, 34 of IPC, registered at Police Station Sadar Patiala, District Patiala (Annexure P-1) as well as judgment and order of conviction dated 28.03.2018 (Annexure P-2), passed by ACJM, Patiala and all the consequential proceedings arising out of the same, on the basis of statement dated 06.09.2019 (Annexures P-5 & P-6).

Vide order dated 17th March, 2021, of the coordinate Bench of this Court, the parties were directed to appear before the learned Illaqa Magistrate/Duty Magistrate on 05th April, 2021, to get their statements recorded, regarding the compromise arrived at, between them.

Report has since been received from the learned ACJM, Patiala, in pursuance to the direction of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and

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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 ACJM has annexed the photocopies of the statements of the parties 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 ACJM, Fazilka, and the principles laid down by the Apex Court in ***Criminal Appeal No. 1393 of 2021, titled as, "Ramawatar Vs. State of M.P.", decided on 25.10.2021 (LL 2021 SC 589)***, and in ***Criminal Appeal No. 1489 of 2012, titled as, "Ramgopal and another Vs. State of M.P.", decided on 29.09.2021***, and also the Division Bench of this Court in ***CRM-38140-M-2011 (O&M), titled as, "Sube Singh and another Vs. state of Haryana and another", decided on 09.04.2013***, the instant petition is allowed. The aforesaid FIR and all consequential proceedings including the judgment and order of conviction dated 28.03.2018, 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

December 16, 2021
J.Ram

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

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