

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

(Proceedings through Video Conferencing)

CRM-M-54403-2019

Date of Decision : 19.08.2021

Gurinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondent

CORAM : HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jagtar Singh Sidhu, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Mohit Kumar, Advocate
for respondent No.2.

MANJARI NEHRU KAUL (Oral)

The instant petition has been filed under Section 482 Cr.PC for quashing of FIR No.108 dated 08.10.2018, registered under Sections 406, 498-A IPC, at Police Station Women, District Patiala and all the consequential proceedings arising out of the same, on the basis of petition for divorce with mutual consent dated 30.09.2019 (Annexure P-2) and the statement dated 06.12.2019 (Annexure P-3), made by respondent No.2 before the learned Principal Judge, Family Court, Patiala.

Learned counsel for the petitioner submits that the marriage between the parties stands dissolved with mutual consent dated 30.09.2019 (Annexure P-2).

Learned counsel put in appearance on behalf of respondent No.2-complainant does not dispute the submission made by learned counsel for the petitioner.

Vide order dated 19.12.2019 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 28.01.2020 to get their statements recorded regarding the compromise arrived at, between them.

Report dated 04.03.2020 has since been received from the JMIC, Patiala in pursuance to the direction of this Court. As per the report, compromise has indeed been effected between the parties and the same is genuine, voluntary and without any pressure or coercion and has been done with the free consent of the parties. The trial Court has annexed the photocopies of the statements of the parties alongwith its report.

Learned State counsel also 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, Patiala 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

19.08.2021
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No