

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

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(Through Video Conferencing)

CRM-M-45068-2021

Date of decision: 04.02.2022

Mohit Gupta

.....Petitioner

Versus

State of U.T., Chandigarh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rahul Shama, Advocate
for the petitioners.

Mr. Sumit Jain, Addl. Public Prosecutor
for respondent No.1-State.

Mr. Rajender Kuamr, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.105 dated 19.08.2019 under Section 406, 498-A IPC registered at Police Station Women Cell, Sector 17, Chandigarh and all subsequent proceedings arising therefrom on the basis of compromise dated 08.10.2021 (Annexure P-2).

Learned counsel for the petitioner submits that on account of a matrimonial dispute between the parties, FIR in question came into the existence. He further submits that subsequent to the registration of the FIR, parties have arrived at an amicable settlement vide compromise dated 08.10.2021.

Vide order dated 03.12.2021 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 05.01.2022 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Judicial Magistrate, Ist Class, Chandigarh, 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 a 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 alongwith its report.

Learned Additional Public Prosecutor too submits that there is 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, Chandigarh 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 *Narinder Singh and others Vs. State of Punjab and another, 2014(2) RCR (Criminal) 482*, 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.

04.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No