

S.No.230

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-48894 of 2021 (O&M)

Date of Decision:07.01.2022

Gurjinder Singh

.....Petitioner

Vs.

State of Punjab and anotherRespondents

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

Present:- Mr. Prashant Vashisth, Advocate for the petitioner.
Mr. R.B. Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

Instant petition has been filed under Section 482 Cr.P.C for quashing of FIR No.28 dated 28.01.2018 registered under Sections 342, 323, 294 IPC at Police Station Hathur District Ludhiana Rural (Annexure P-1) and all the consequential proceedings arising out of the same, on the basis of compromise deed dated 18.10.2021 (Annexure P-2) arrived at, between the parties.

Learned counsel for the petitioner submits that on account of marriage discord between the petitioner and the respondent-wife, the FIR in question came to be registered under Sections 342, 323, 294 IPC. He submits that pursuant to the registration of the FIR, the parties effected an amicable settlement before the Mediation and Conciliation Centre of this Court.

Learned counsel appearing for the complainant/ respondent No.2 does not dispute the submissions made by counsel opposite with respect to the parties having effected an amicable compromise and also does not oppose the prayer made by learned counsel for the petitioner for quashing the FIR in question.

Vide order dated 23.11.2021 of this Court, the parties were directed to appear before the learned trial Court/ Illaqa Magistrate on 03.12.2021 to get their respective statements recorded regarding the compromise arrived at, between them.

Report dated 03.12.2021 has since been received from the JMIC, Jagraon in pursuance to the direction of this Court. 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. The trial Court has annexed the statements of the parties in original alongwith its report.

Learned State Counsel also 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 JMIC, Jagraon 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(s) is allowed. The aforesaid FIR along with all consequential proceedings arising out of them, are quashed.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

07.01.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No