

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

261

**CRM-M-54422-2021
Date of decision: 07.03.2022**

Shiv Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhishek Jindal, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for respondent No.1-State.

Mr. B.D. Sharma, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.75 dated 23.09.2021 lodged under Sections 376-B, 341 and 511 IPC registered at Police Station Fatehgarh Churrian, District Batala and the consequential proceedings arising out of the same, on the basis of compromise dated 14.11.2021 (Annexure P-3) arrived at, between the parties.

Learned counsel for the petitioner submits that on account of a marital discord between the parties, the FIR in question came into existence, however, subsequently with the intervention of the elders and relatives of the family, the matter stands amicably resolved between the parties. He submits that the parties had also moved a joint petition under Section 13-B of the Hindu Marriage Act, 1955 wherein their first motion statements have been recorded. It has also been submitted that a perusal of the FIR in question also does not reveal that any allegations

have been levelled by respondent No.2 being raped and the only allegation levelled therein is that of molestation and attempt to rape.

Learned counsel for respondent No.2 does not dispute the submissions made by counsel opposite that it was on account of a matrimonial dispute that the FIR in question came into being, however, subsequently with the intervention of the elders and family members, the parties had arrived at an amicable settlement vide compromise (Annexure P-3). Learned counsel does not oppose the quashing of the FIR on the basis of compromise arrived at between the parties.

Vide order dated 05.01.2022 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 09.02.2022 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Additional Sessions Judge, Gurdaspur, 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 in original, alongwith its report.

Learned State counsel 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 the peculiar facts and circumstances of the case and in view of the report of the learned Additional Sessions Judge, 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 *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.

07.03.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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