

(2020) 12 P&H CK 0325

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 26302, 2753 Of 2020

Amrik Singh Laddu And Another

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 18-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 406, 498A

Citation : (2020) 12 P&H CK 0325

Hon'ble Judges : Manjari Nehru Kaul, J

Bench : Single Bench

Advocate : Jasraj Singh, H.S. Sullar, Abhishek Sharma

Final Decision : Allowed

Judgement

Manjari Nehru Kaul, J

CRM-26302-2020 has been filed under Section 482 Cr.P.C. seeking direction to the parties for getting their statements recorded before the Illaqa

Magistrate/trial Court with respect to the factum of compromise so effected between them, for the purpose of quashing of FIR No15, dated

17.06.2019, under Sections 498-A, 406 IPC, registered at Police Station NRI, District Hoshiarpur and the consequential proceedings arising out of the

same, on the basis of compromise arrived at, between the parties.

Vide order 02.11.2020, the parties were again directed to present themselves before the Illaqa Magistrate/trial Court on 27.11.2020 for getting their

statements recorded with regard to the factum of compromise so effected between them. The Illaqa Magistrate/trial Court was also directed to record

the statements of both the parties with specific conditions as detailed in the order dated 02.11.2020 and the case was adjourned for 18.12.2020.

Report has since been received from the learned JMIC(D), Hoshiarpur, 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 statement to the effect that she would have no objection if the FIR qua the accused-petitioners is quashed. The trial Court has annexed the statements of the parties in original, alongwith 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.

Keeping in view the facts and circumstances of the case and after hearing learned counsel for the applicant-petitioners as well as perusing the averments made in the application, which is supported by an affidavit of applicant-petitioner No.1, the instant application is allowed and the main case is taken up for final disposal in view of the report received from JMIC(D), Hoshiarpur with respect to the factum of compromise.

In view of the report of the learned JMIC(D), Hoshiarpur 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.