

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

CRM-M-14342 of 2015.

Decided on:-30.10.2015.

Sachin Ghai and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Parveen Kumar Garg, Advocate
for the petitioners.

Mr. R.S. Nain, AAG, Punjab.

None for respondent No.2.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.37 dated 8.2.2012 under Sections 498-A, 406, 323 and 506 read with Section 34 IPC registered at Police Station Zirakpur, District SAS Nagar (Annexure P-1) and consequent proceedings on the basis of compromise dated 26.4.2015 (Annexure P-2).

This Court vide order dated May 07, 2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the Illaqa Magistrate/trial Court was directed to

submit its report regarding genuineness of compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate 1st Class, Dera Bassi and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted her report dated 11.8.2015 to the effect that the compromise has been arrived at between the parties voluntarily, without any pressure, coercion or undue influence.

Learned counsel for the petitioners contends that even the decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 has already been granted to the petitioner No.1 and respondent No.2 by the Court.

The aforesaid fact as well as the compromise between the parties has not been disputed by learned State counsel.

Though today nobody has put in appearance on behalf of respondent No.2-complainant Arti Batra, but no prejudice would be caused to her she has already made the following statement before the learned Magistrate on 17.7.2015 regarding the validity and genuineness of the compromise:

“Stated that the matter has been compromised between me and accused party on dated 26.04.2015. Certified copy of compromise is Ex.CX and I also identify my signatures on the same. Ex.CX is true and correct. The petitioner U/S 13B of Hindu Marriage Act is pending in the court of Sh. Nazar Singh,

Addl. District Judge, Chandigarh for 29.10.2015. The compromise is without any pressure, coercion or undue influence. I have no objection if the FIR 37 dated 8.2.2012 under Section 406/498-A, 506, 323 and 34 IPC, P.S. Zirakpur may be quashed subject to recording of the second statement U/S 13B Hindu Marriage Act and payment of balance amount on dated 29.10.2015 as per compromise.”

In view of the above, the compromise between the parties has been effected in its totality and, therefore, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Hon'ble Supreme Court in ***Gold Quest International Private Limited Versus State of Tamil Nadu and others 2014 (4) RCR (Criminal) 206*** has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C. read with Article 226 of the Constitution.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as also in the light of ***Gold Quest International Private***

Limited's case (supra) this petition is allowed and F.I.R. No.37 dated 8.2.2012 under Sections 498-A, 406, 323 and 506 read with Section 34 IPC registered at Police Station Zirakpur, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom is quashed, on the basis of compromise dated 26.4.2015 (Annexure P-2).

October 30, 2015

Yag Dutt

(HARI PAL VERMA)
JUDGE