

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

**Criminal Misc. No. M-27182 of 2015 (O&M)
Date of Decision: 23.09.2015**

Sanjay Kumar @ Sanjay & others

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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. Umesh Kumar Kanwar, Advocate
for the petitioner (s).

Mr. P.S. Madahar, AAG, Punjab.

Mr. V.K. Sandhir, Advocate
for respondent no.2.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.125 dated 30.5.2013 under Sections 417, 406, 498-A, 493, 120-B IPC registered at Police Station Sultanwind, Amritsar (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise/settlement arrived at between the parties.

This Court vide order dated 19.8.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to the compromise/settlement and the Illaqa Magistrate/trial Court was directed to submit its report.

Pursuant to the aforesaid order dated 19.8.2015, the parties have appeared before the Judicial Magistrate Ist Class, Amritsar and have got their statements recorded. Learned Magistrate has forwarded her report dated 14.9.2015 to the effect that the parties have settled their dispute amicably without any fear or pressure. The statement of the complainant Neeraj reads as under:-

“Stated that the above said case was got registered by me against Sanjay Kumar @ Sanjay son of Sh. Om Parkash, Smt. Ram Murti wife of Sh. Om Parkash, Sh. Panna Lal son of Sh. Nek Ram all residents of House No.L-5/842, Gali No.5, New Shaheed Udham Singh Nagar, Sultanwind, Amritsar. Now I have entered into compromise with the accused with my own consent and free will, without any threat, pressure, force or coercion and the said compromise is voluntary. I have no objection if the FIR be quashed against the abovesaid accused persons.

RO & AC
Sd/- (Neeraj Kumari)

Sd/-
(Gurpreet Kaur)
JM/C/ Amritsar
14.09.2015”

Learned counsel for the petitioner contends that since the complainant has suffered a statement to the effect that she has compromised the matter voluntarily, out of her own free will, without any threat, pressure, force or coercion and she has no objection if the present FIR is quashed, the present petition deserves to be accepted.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Hon'ble the Apex Court in **Gold Quest International Private Ltd. vs. 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.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.125 dated 30.5.2013 under Sections 417, 406, 498-A, 493, 120-B IPC registered at Police Station Sultanwind, Amritsar (Annexure P-1) and all other subsequent proceedings arising therefrom are quashed, *qua* the petitioners, in view of compromise/settlement between the parties.

September 23, 2015

AK

**(HARI PAL VERMA)
JUDGE**