

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

**Criminal Misc. No. M-28373 of 2015**

**Date of Decision: 17.11.2015**

...Petitioner(s)

Nishu and another

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. K.B. S. Mann, Advocate for the petitioner (s).

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

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**HARI PAL VERMA J.(Oral)**

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.63, dated 20.12.2014, under Sections 406/498-A IPC, registered at Police Station Women Cell, Bathinda, District Bathinda (Annexure P-1), on the basis of compromise dated 10.08.2015 (Annexure P-3).

This Court vide order dated 24.08.2015 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 24.08.2015, the parties have appeared before the Judicial Magistrate Ist Class, Bathinda and have got their

statements recorded. Learned Magistrate has forwarded his report dated 21.09.2015 to the effect that the parties have settled their dispute amicably without any fear or pressure. The statement of the complainant-respondent No.2 i.e. Kirna Rani wife of Nishu, reads as under:-

*“Compromise dated 10.08.2015 has been effected between us in case FIR No.63 dated 20.12.2014 u/s 498-A, 406 IPC, PS Women Cell Bhatinda. Our compromise has been effected without any pressure. I have no objection if the FIR No.63 dated 20.12.2014 u/s u/s 498-A, 406 IPC, PS Women Cell Bhatinda may be quashed. Now I have no objection against the accused person. The compromise is genuine and without any coercion or undue influence. The FIR may pleased be quashed.*

RO & AC  
Sd/- (Kiran Rani)

Sd/-  
(Kanwaljit Singh), PCS  
JMIC, Bathinda  
07.09.2015”

Learned counsel for the petitioners 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**, as well as considering abovesaid judgment of Hon'ble Apex Court in **Gold Quest International Private Ltd's case (supra)** this petition is allowed and FIR No.63, dated 20.12.2014, under Sections 406/498-A IPC, registered at Police Station Women Cell, Bathinda, District Bathinda (Annexure P-1) and all other subsequent proceedings arising therefrom are quashed, *qua* the petitioners, in view of compromise dated 10.08.2015 (Annexure P-3) arrived at between the parties.

November 17, 2015  
*Anjal*

**( HARI PAL VERMA )**  
**JUDGE**