

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

**Criminal Misc. No. M-37494 of 2015
Date of Decision: 19.12.2015**

Bhupinder Sain & another

...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. M.S. Dhaliwal, Advocate
for the petitioner.

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

Ms. Amarjit Kaur, Advocate
for the complainant.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C.
is for quashing of FIR No.121 dated 15.11.2014 under Sections
498-A/406 of the Indian Penal Code, 1860 registered at Police
Station Mahtiana, District Hoshiarpur, (Annexure P-1) and
consequential proceedings arising therefrom on the basis of
compromise/statements dated 8.9.2015 (Annexure P-2) recorded
in petition under Section 13-B of the Hindu Marriage Act.

This Court vide order dated 2.11.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report regarding the genuineness of the compromise.

Pursuant to the aforesaid order dated 2.11.2015, the parties have appeared before Judicial Magistrate Ist Class, Hoshiarpur and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 2.12.2015 to the effect that the compromise is genuine and correct and the same has arrived between the parties voluntarily.

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.121 dated 15.11.2014 under Sections 498-A/406 of the Indian Penal Code, 1860 registered at Police Station Mahtiana, District Hoshiarpur, (Annexure P-1) is quashed, *qua* the petitioners, in view of compromise/statements dated 8.9.2015 (Annexure P-2).

Needless to say that the parties shall remain bound by the terms of the compromise.

December 19, 2015
AK

(HARI PAL VERMA)
JUDGE