

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

**Criminal Misc. No. M-36778 of 2015
Date of Decision:-22.01.2016**

Mohan Gupta 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:- None for the petitioners.

Mr. R.S. Nain, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.232 dated 10.8.2013, under Sections 498-A, 406 and 120-B IPC, registered at Police Station Civil Lines, Amritsar City, District Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 29.10.2015, co-ordinate Bench of this Court has directed the parties to appear before the Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 29.10.2015, the parties have

appeared before the learned Magistrate on 23.11.2015 for getting their statements recorded.

The report dated 11.1.2016 received from the learned Chief Judicial Magistrate, Amritsar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Gouri Gupta @ Diksha before the Chief Judicial Magistrate, Amritsar on 23.11.2015 reads as under :-

"I have got registered FIR No.232 of 10.8.13 under Sections 498-A, 406, 120-B of Indian Penal code, Police Station, Civil Lines against the accused Mohan Gupta, Satish Kumar Gupta and Vijay Rani Gupta and now with the intervention of respectables, entire matter between me and the accused has been amicably settled. I as well as accused Mohan Gupta have filed joint petition under Section 13-B of the Hindu Marriage Act which is still pending in the Court of Sh. K.K. Goyal, Learned Additional District Judge, Amritsar for 31.1.16. I have already received a sum of Rs. Two lacs at the time of recording First Motion statement in petition under Section 13-B of HMA. Today, I have also received a sum of Rs. Two lacs by way of bank demand draft No.104925 dated 18.11.15 drawn on Vijya Bank from the accused Mohan Gupta towards permanent alimony and the remaining amount of Rs.Two lacs will be received at the time of final statements in view of terms and conditions of our compromise. I have arrived at the compromise with the accused out of my free will and willful consent and there is no pressure or coercion upon me. There is no other case except petition U/s 13-B of HMA is pending.

I have no objection if FIR No.232 of 10.8.13 under Sections 498-A, 406, 120-B of Indian Penal Code, Police Station, Civil Lines is quashed.”

Learned State counsel does not dispute the aforesaid factual position, rather admit the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of the conviction are bleak.

The Hon'ble Supreme 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 vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)*** and approved by the Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab and others, (2012)10 SCC 303***, as well as judgment of Hon'ble Supreme Court in ***Gold Quest International Private Ltd. vs. State of Tamil***

Nadu and others, 2014(4) RCR (Criminal) 206, this petition is ***allowed*** and FIR No.232 dated 10.8.2013, under Sections 498-A, 406 and 120-B IPC, registered at Police Station Civil Lines, Amritsar City, District Amritsar and the consequential proceedings arising therefrom are hereby quashed qua the petitioners.

January 22, 2016
Vijay Asija

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