

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

**Criminal Misc. No. M-37073 of 2015
Date of Decision:-22.01.2016**

David Akash Chander Parbhakar and others

...Petitioners

Versus

State of Punjab and others

...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. Munish Gupta, Advocate
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.24 dated 27.4.2012, under Sections 406, 498-A, 34 IPC, registered at Police Station Mahilur, District Hoshiarpur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 30.10.2015, co-ordinate Bench of this Court has directed the parties to appear before the trial Court 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 30.10.2015, the parties have appeared before the learned Magistrate on 26.11.2015 for getting their statements recorded.

The report dated 14.12.2015 received from the learned Judicial Magistrate 1st Class, Garhshankar, reveals that the compromise has been effected between the parties without any undue pressure.

The joint statement made by complainant Varinder Kumar Sharma and Nirupama Sharma wife of petitioner No.1 before the Judicial Magistrate 1st Class, Garhshankar on 26.11.2015 reads as under :-

“Stated that FIR No.24 dated 27.4.2012 under Sections 406, 498-A, 34 IPC, Police Station Mahilpur was got registered against petitioners by us. Compromise has been effected with the intervention of the respectables. The compromise between the parties is without any threat, force, undue influence and coercion. On the basis of compromise, CRM-M-37073-2015 has been filed in the Hon'ble High Court by the petitioners for quashing of the FIR. We have no objection, if the FIR 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.24 dated 27.4.2012, under Sections 406, 498-A, 34 IPC, registered at Police Station Mahilur, District Hoshiarpur and the consequential proceedings arising therefrom are hereby quashed qua the petitioners.

January 22, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE