

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

**Criminal Misc. No. M-43210 of 2015
Date of Decision:-16.05.2016**

Anurag 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:- Mr. Harsh Manocha, 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.119 dated 30.6.2015, under Sections 406, 498-A of IPC, P.S. Mataur, SAS Nagar, Mohali (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 4.7.2015 (Annexure P-2).

Vide order dated 21.12.2015, this Court had 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 21.12.2015, the parties have appeared before the learned Magistrate on 11.1.2016 for getting their statements recorded.

The report dated 14.1.2016 received from the learned Judicial Magistrate 1st Class, SAS Nagar (Mohali), reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Heena Sharma before the JMIC, SAS Nagar, Mohali, on 11.1.2016 reads as under :-

“I have compromised the matter relating to FIR No.119 dated 30.6.2015, under Sections 406, 498-A IPC, P.S. Mattaur with accused persons namely Anurag, Pardeep Ranjan and Vandana. I have seen the copy of the compromise deed, copy of which is Ex.P1 which bears my signatures as well as the signatures of the all the accused and attesting witnesses namely Ashish Sharma, Adv. The same was entered out of my own free will and consent and without any coercion or pressure from any corner. I have no objection if the present FIR against all the accused is quashed as per the above said compromise.”

Learned State counsel does not dispute the aforesaid factual position, rather admits 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 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.119 dated 30.6.2015, under Sections 406, 498-A of IPC, P.S. Mataur, SAS Nagar, Mohali and the consequential proceedings arising therefrom are hereby quashed qua the petitioners.

May 16, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE