

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

Criminal Misc. No. M-43557 of 2015

Date of Decision:-28.04.2016

Rakesh Kumar 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. Mohit Sadana, Advocate
for the petitioners.

Mr. R.S. Nain, AAG Punjab.

Mr. Tarun Jhatta, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.250 dated 8.9.2012, under Section 498-A IPC, registered at Police Station City, Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 10.12.2015 (Annexure P-2).

Vide order dated 25.2.2016, this Court had directed the parties to appear before the Illaqa Magistrate/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 25.2.2016, the parties have appeared before the learned Magistrate on 09.3.2016 for getting their statements recorded.

The report dated 10.3.2016 received from the learned Chief Judicial Magistrate, Sangrur, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Inderjit before the Chief Judicial Magistrate, Sangrur, on 09.3.2016 reads as under :-

“I have got registered F.I.R. No.250 dated 8.9.2012 under Sections 498-A and 406 IPC, Police Station City, Sangrur against accused Rakesh Kumar, Narian Dass, Premlata (since deceased) and Poonam Rani alias Poonam Kalra. I have compromised the matter voluntarily with accused Rakesh Kumar, Narian Dass and Poonam Rani alias Poonam Kalra without any threat, coercion or undue influence. My daughter, namely, Komal Rani is living happily in her in-laws house for the last more than two years. I have no objection if the F.I.R. in question is quashed against accused Rakesh Kumar, Narian Dass and Poonam Rani alias Poonam Kalra.”

Even respondent No.3 Komal Rani, who is daughter of the complainant has also suffered her statement that she is

happily residing in her in-laws house for the last two years and she has no objection if the FIR in question is quashed against the petitioners. Statement of Komal Rani is read as under :-

“FIR No.250 dated 8.9.2012 under Sections 498-A and 406 IPC, Police Station City, Sangrur was got registered by my father, Inderjit against accused Rakesh Kumar, Narian Dass, Premlata (since deceased) and Poonam Rani alias Poonam Kalra. I have compromised the matter voluntarily with accused Rakesh Kumar, Narian Dass and Poonam Rani alias Poonam Kalra without any threat, coercion or undue influence. I am living happily in my in-laws house for the last more than two years. I have no objection if the F.I.R. in question is quashed against accused Rakesh Kumar, Narian Dass and Poonam Rani alias Poonam Kalra.”

Learned counsel appearing for respondent Nos.2 and 3 does not dispute the fact of compromise effected between the parties.

Learned State counsel also 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.250 dated 8.9.2012, under Section 498-A IPC, registered at Police Station City, Sangrur and the consequential proceedings arising therefrom are hereby quashed qua the petitioners.

April 28, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE