

279.

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

CRM-M-2135-2019

Date of decision:15.10.2019

LAL CHAND AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sudhir Paruthi Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab,
for respondent No.1.

Mr. Balwinder Singh, Advocate,
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.115 dated 29.08.2014 registered under Section 498-A of IPC at Police Station Sadar, Roop Nagar, District Roop Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2) and affidavit dated 10.12.2018 (Annexure P-3).

This Court vide order dated 18.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise, however, parties could not appear. Again vide order dated 08.05.2019, parties were afforded one more opportunity to get their statements recorded in support of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Rupnagar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.06.2019 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Manjit Kaur has made her statement with regard to compromise before the learned Magistrate on 01.06.2019. The same is reproduced as under:-

“Stated that FIR No.115 dated 29.08.2014 U/S 498-A IPC PS Sadar Rupnagar has been registered on my application against the accused Lal Chand, Rakesh Kumar and Suresh Kumari. With the intervention of respectable persons of the society, compromise has been effected between me and the accused Lal Chand, Rakesh Kumar and Suresh Kumari. The said compromise has been effected with the free will of mine without any promise, undue influence, coercion and threat from any corner. I want to lead peaceful social life. I have no objection if the present FIR is quashed against all the accused and all of them are set at liberty. I have enclosed my copy of Aadhaar Card and same is Ex.C1.”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

Hon'ble Supreme Court in ***Gold Quest International Private Limited Versus State of Tamil Nadu and others-2014 (4) RCR (Criminal)***

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.

Thus, following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303* as also in the light of *Gold Quest International Private Limited's case (supra)*, this petition is allowed and F.I.R. No.115 dated 29.08.2014 registered under Section 498-A of IPC at Police Station Sadar, Roop Nagar, District Roop Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2) and affidavit dated 10.12.2018 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

15.10.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No