

276.

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

CRM-M-2685-2019

Date of decision:29.04.2019

NARESH KUMAR AND ANR

... Petitioners

versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

None 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.108 dated 14.10.2012 registered under Sections 498-A, 406 of IPC at Police Station Sardulgarh, District Mansa (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.01.2019 (Annexure P-2).

This Court vide order dated 21.01.2019 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.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Mansa and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 22.02.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Shivani Tangri but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 20.02.2019. The same is reproduced as under:-

“Stated that the present FIR was registered at my instance. The matter has been compromised with accused Naresh Kumar, Swaran Lata and Hans Raj (now deceased) with the intervention of respectable persons. Now I have no grudge against the accused persons. Compromise has been effected by me with my free consent without any pressure, undue influence, coercion or fear upon me. I have no objection if the above said FIR is quashed on the basis of compromise. I and Naresh Kumar had already filed joint petition under section 13B of Hindu Marriage Act in the court of Additional Civil Judge (Senior Division) Sardulgarh. I also produce my self attested copy of Adhar Card.”

Learned State counsel has 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)***

206 has held that the disputes which are substantially matrimonial in nature,

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.108 dated 14.10.2012 registered under Sections 498-A, 406 of IPC at Police Station Sardulgarh, District Mansa (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 08.01.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

29.04.2019
sanjeev

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