

266.

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

CRM-M-3209-2019

Date of decision:14.05.2019

ANURAG SHARMA AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Maneesh Kumar Bali, Advocate,
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.26 dated 04.03.2017 registered under Sections 406/498-A/34 of IPC at Police Station Nangal, District Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.01.2019 (Annexure P-2).

This Court vide order dated 24.01.2019 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, Camp Court, Sri Anandpur Sahib and

got their statements recorded. On the basis of the statements so recorded,

learned Magistrate has submitted report dated 05.03.2019 to the effect that the compromise has been effected between the parties voluntarily, without any undue influence, pressure and coercion from any side.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Sofia Dawra but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 28.02.2019. The same is reproduced as under:-

“State that I have reached compromise with accused Anurag Sharma, Kaman Kumar Sharma, Sunita Sharma and Abhishek Sharma. The compromise was effected between us without any fear, threat or pressure. I am deposing in the Court today with my own free will without any fear, threat or pressure. On the basis of compromise, accused Anurag Sharma, Kaman Kumar Sharma, Sunita Sharma and Abhishek Sharma have filed a petition under section 482 of the Code of Criminal Procedure before the Hon'ble Punjab and Haryana High Court for quashing of FIR No.26 dated 04.03.2017 under sections 498-A, 406 of the Indian Penal Code, Police Station, Nangal. The matter between us has been finalized by respectable persons and I do not want to pursue the case against the accused due to compromise. I have no objection if the case FIR against the accused is quashed.”

Learned State counsel 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***

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.

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.26 dated 04.03.2017 registered under Sections 406/498-A/34 of IPC at Police Station Nangal, District Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 05.01.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

14.05.2019
sanjeev

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