

300.

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

CRM-M-3490-2019

Date of decision:01.05.2019

SUNIL GOYAL

... Petitioner

versus

STATE OF UT., CHANDIGARH AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Apanjyot S. Virk, Advocate,
for the petitioner.

Mr. J.S. Toor, APP, UT, Chandigarh,
for respondent No.1.

Mr. Impinder Singh Dhaliwal, 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.315 dated 24.07.2015 registered under Section 498A of IPC at Police Station Sector 39, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.01.2019 (Annexure P-2).

This Court vide order dated 25.01.2019 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, Chandigarh and got their statements

submitted report dated 07.03.2019 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Poonam Goyal has made her statement with regard to compromise before learned Magistrate on 01.03.2019. The same is reproduced as under:-

“I have compromised with the accused namely Sunil Goyal s/o Jogi Ram in FIR No.315, dated 24.07.2015, u/s 498-A IPC, Police Station Sector 39, Chandigarh, in terms of compromise effected before Hon'ble High Court which is pending there for 01.05.2019. Further I do not want to pursue the present FIR against said accused. I have no objection if the above said FIR is quashed in terms of compromise which has been entered voluntarily without any pressure between me and accused.”

Learned counsel for the petitioner states that the parties are staying together as husband and wife.

Learned counsel appearing on behalf of UT Chandigarh 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) 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.315 dated 24.07.2015 registered under Section 498A of IPC at Police Station Sector 39, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 17.01.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

01.05.2019
sanjeev

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