

269.

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

CRM-M-3675-2019

Date of decision:06.05.2019

VISHESH GUPTA AND ORS.

... Petitioners

versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Achin Gupta, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

None for respondents No.2 & 3.

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 01.08.2017 registered under Sections 498-A/406/506 of IPC (Sections 354/342 of IPC deleted lateron) at Police Station City Kotkapura, District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.05.2018 (Annexure P-2).

This Court vide order dated 28.01.2019 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

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.04.2019 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, Anil Kumar Bansal as well as respondent No.3-Nidhi but no prejudice would be caused to them as they have already suffered a joint statement with regard to compromise before learned Magistrate on 08.03.2019. The same is reproduced as under:-

“That we have effected compromise with accused Vishesh Gutpa, Vipin Gupta @ Vipin Kumar, Manju Gupta, Vatsa Gupta, Kamal Gupta @ Kamal Kumar, Kiran Gupta and Shivji Ram Goyal with the help of Panchayat and respectable. The compromise has been effected with our freewill and without any coercion or fraud. We both the parties agree with the quashing petition filed before Hon'ble High Court. The compromise is for welfare of both the parties. We do not want to further proceed against accused persons. We have no objection if FIR No.115 dated 01.8.2017 U/s 498-A, 406, 506 IPC is quashed against the accused. Total seven persons have been arrayed as accused in the FIR and none of them has been declared as proclaimed offender. Photocopies of our Adhaar card are Ex.C1 and C2.”

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, 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 01.08.2017 registered under Sections 498-A/406/506 of IPC (Sections 354/342 of IPC deleted lateron) at Police Station City Kotkapura, District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 30.05.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.15,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

06.05.2019
sanjeev

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