

275.

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

CRM-M-4511-2019

Date of decision:13.05.2019

SURESH KUMAR AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Kamal Narula, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, 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.97 dated 02.10.2016 registered under Sections 406/498-A of IPC at Police Station City Fazilka, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 14.12.2018 (Annexure P-2).

This Court vide order dated 31.01.2019 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 Chief Judicial Magistrate, Fazilka and got their statements recorded.

report dated 18.04.2019 to the effect that the compromise has been effected between the parties voluntarily, without any threat or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Anjana but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 07.02.2019. The same is reproduced as under:-

“Stated that the above said FIR was registered on my statement against Suresh Kumar son of Mangat Rai, Mangat Rai son of Lacchman Dass, Usha Rani wife of Mangat Rai all residents of Rorikapura, Tehsil Jaito, District Faridkot. Now with the intervention of respectable persons of the society I have compromised with accused persons and in this regard written compromise deed dated 14.12.2018 reduced into writing between us and its true photocopy is Mark A. Now I have no grudge against the accused persons. This compromise has been effected by me voluntarily, without any threat or undue influence. I have no objection if the Hon'ble Punjab & Haryana High Court quashed the FIR against the all accused persons as per compromise.”

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.97 dated 02.10.2016 registered under Sections 406/ 498-A of IPC at Police Station City Fazilka, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 14.12.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.05.2019
sanjeev

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