

274.

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

CRM-M-4404-2019

Date of decision:13.05.2019

DEEPAK PARKASH

... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Munish Puri, Advocate,
for the petitioner.

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

Mr. Sandeep Saini, 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.45 dated 06.03.2018 registered under Section 498-A of IPC at Police Station Maqsudan, District Jalandhar (Rural) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 25.01.2019 (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 Judicial Magistrate Ist Class, Jalandhar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.04.2019 to the effect that the compromise is genuine and has been effected between the parties with their free will, without any pressure or coercion.

Respondent No.2-complainant, namely, Navdeep Kaur has made her statement with regard to compromise before learned Magistrate on 06.03.2019. The same is reproduced as under:-

“Stated that above said FIR was registered on the basis of my statement against Deepak Parkash. Now I have entered into compromise with the petitioner without any duress, coercion or any other pressure, to maintain the peace and harmony in the locality. This compromise has been arrived at with the intervention of respectables. I have no objection, if the said FIR is quashed. I have brought my original Adhar Card, photocopy of which is Ex.P1.”

Learned counsel for the petitioner has stated that in terms of the compromise so entered between the parties i.e. petitioner and respondent No.2, they are staying together as husband and wife.

Learned State counsel, on instructions from ASI Balbir Singh, has also 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.45 dated 06.03.2018 registered under Section 498-A of IPC at Police Station Maqsudan, District Jalandhar (Rural) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 25.01.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.05.2019
sanjeev

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