

279.

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

CRM-M-5096-2019

Date of decision:13.05.2019

VARUN KUMAR NARULA @ VARUN KUMAR NIRULA ... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ravi K. Mattoo, Advocate,
for the petitioner.

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

Ms. Harmanpreet Kaur, 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.75 dated 04.06.2017 registered under Sections 406/498-A of IPC at Police Station Fatehgarh Sahib, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.05.2018 (Annexure P-2).

Vakalatnama filed on behalf of respondent No.2 in court today, is taken on record.

This Court vide order dated 04.02.2019 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, Fatehgarh Sahib and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.04.2019 to the effect that the compromise has been effected between the parties voluntarily and without any pressure or coercion.

Respondent No.2-complainant, namely, Roopsi Mangi has made her statement with regard to compromise before learned Magistrate on 30.03.2019. The same is reproduced as under:-

“I had lodged FIR No.75 dated 04.06.2017 under sections 406, 498-A IPC against accused Varun Narula son of Sh. Rajesh Narula resident of House No.3114/2, Mohalla Nanda Mishar, Snouri Gage, Patiala District Patiala. I have entered into a settlement vide written compromise with abovesaid accused, copy of which is Ex.CX. The matter has been finally settled by me with abovesaid accused. Said compromise has been entered into with my own free will, without any pressure, coercion, undue influence, misrepresentation or threat from any quarter. The compromise so entered into is for the benefit and welfare of both the parties and I have resolved to reside peacefully in future. There is only one accused in this FIR and none of the accused is proclaimed offender in this FIR. In future I will not initiate any criminal or civil proceedings qua abovesaid case/compromise. I have no objection if present FIR may be quashed.”

Learned State counsel 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.75 dated 04.06.2017 registered under Sections 406/498-A of IPC at Police Station Fatehgarh Sahib, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 28.05.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.05.2019

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