

CRM-M-5894-2019

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

**CRM-M-5894-2019.
Decided on: May 22, 2019.**

Manjit Singh

.. Petitioner

VERSUS

State of Punjab and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

*** * ***

**PRESENT Mr.Jagraj Singh Khiva, Advocate,
for the petitioner.**

Mr.Jagmohan Ghumman, DAG, Punjab.

**Mr.H.S.Kotli, Advocate,
for complainant – 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.113 dated 11.10.2014 under Sections 498-A and 494 IPC as well as under the Protection of Women from Domestic Violence Act, 2005, registered at Police Station City-2, Mansa, District Mansa (**Annexure P-1**) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.1.2019 (**Annexure P-2**).

This Court vide order dated 7.2.2019 had directed the

parties to appear before the trial Court/Illaqa Magistrate 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 Additional Chief Judicial Magistrate, Mansa and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.3.2019, to the effect that the parties appeared in the Court on 1.3.2019 and suffered statements regarding compromise effected between them. She has further reported that there is only one accused in the FIR and is not absconding or proclaimed offender and that the compromise seems to be genuine, voluntary and out of their free will.

Respondent No.2-complainant, namely, Gurpreet Kaur has made her statement with regard to compromise before learned Magistrate on 1.3.2019. The same is reproduced as under:-

“Stated that the respectable persons and our relatives have got the matter compromised between me and the accused and now no dispute has been left between us. Compromise has been effected between us with our free consent and without any pressure, undue influence, coercion or fear upon us in the present FIR No.113 of 11.10.2014, under Sections 498-A, 494 IPC and under protection of Women from Domestic Violence Act, 2005, PS City-II, Mansa, compromise has been

already placed on file pending before the Hon'ble Punjab and Haryana High Court, Chandigarh. I have no objection if the accused are acquitted after quashing the present FIR No.113 of 11.10.2014 on the basis of compromise. I have already been withdrawn pending cases between us. We have filed petition under Section 13-B of Hindu Marriage Act, for divorce on mutual consent and statements of both of us have been recorded in that petition of first motion and same is pending for 9.8.2019 for recording statement of second motion. All other terms and conditions have been complied by both of us. Photocopy of compromise is Mark-A.”

Learned State counsel as well as learned counsel for respondent No.2, 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

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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.113 dated 11.10.2014 under Sections 498-A and 494 IPC as well as under the Protection of Women from Domestic Violence Act, 2005 registered at Police Station City-2, Mansa, District Mansa (**Annexure P-1**) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 28.1.2019 (**Annexure P-2**).

May 22, 2019.
raj arora

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No