

281.

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

CRM-M-8422-2019

Date of decision:23.05.2019

DALJIT SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

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.05 dated 02.02.2019 registered under Sections 498-A, 406 of IPC at Police Station Taragarh, District Pathankot(Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/ Divorce Deed dated 02.02.2019 (Annexure P-2).

This Court vide order dated 25.02.2019 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, Pathankot and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 01.05.2019 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Neeru Bala but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 28.03.2019. The same is reproduced as under:-

“Stated that I have entered into compromise, on the intervention of the respectables, with the accused in the criminal case FIR No.05 dated 2.2.2019 under Sections 498-A, 406 IPC, PS Taragarh, District Pathankot and I have no objection if the FIR and the proceedings pending is quashed. The said compromise is genuine and has been entered without any coercion or undue influence.”

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.05 dated 02.02.2019 registered under Sections 498-A, 406 of IPC at Police Station Taragarh, District Pathankot(Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/ Divorce Deed dated 02.02.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

23.05.2019
sanjeev

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