

287.

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

**CRM-M-10117-2019**

Date of decision: 23.05.2019

SANDEEP KUMAR

... Petitioner

versus

STATE OF UT, CHANDIGARH AND ANR.

.... Respondents

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA**

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Present: Mr. Rajan Bhargava, Advocate,  
for the petitioner.

Mr. Manish Jain, APP, UT, Chandigarh,  
for respondent No.1.

None for respondent No.2.

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**HARI PAL VERMA, J. (Oral)**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.88 dated 01.08.2017 registered under Sections 498-A/406 of IPC at Women Police Station, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/ petition filed by the parties under Section 13-B of Hindu Marriage Act (Annexure P-2).

This Court vide order dated 05.03.2019 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, Chandigarh and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 16.05.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any pressure, coercion or threat from any side.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Pinki but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 01.04.2019. The same is reproduced as under:-

*“Stated that I got the above said FIR registered against my husband Sandeep Kumar only. Now with the intervention of my relatives and respectable persons, I have amicably settled the dispute with my husband as per compromise, copy of mutual divorce petition under Section 13-B has already submitted before Hon'ble High Court in the quashing petition. The contents of mutual divorce petition may kindly be read as part and parcel to the present statement. This statement/ compromise is voluntary and genuine without any coercion or undue influence and now I have no grudge against my husband. I have already received Rs.1,25,000/- by way of Demand Draft No.568713 dated 31.10.2018 from Sandeep Kumar towards part payment of settled amount and remaining Rs.1,25,000/- is to be paid to me on second statement in a mutual divorce petition i.e. on 02.05.2019. I have no objection, if the present FIR is quashed as per the above said compromise.”*

Learned counsel for UT Chandigarh 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.88 dated 01.08.2017 registered under Sections 498-A/406 of IPC at Women Police Station, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/ petition filed by the parties under Section 13-B of Hindu Marriage Act (Annexure P-2).

(HARI PAL VERMA)  
JUDGE

23.05.2019  
sanjeev

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