

273.

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

CRM-M-10315-2019

Date of decision:14.05.2019

SANJEEV KUMAR AND ANOTHER

... Petitioners

versus

STATE OF UT CHANDIGARH AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Saurav Kanojia, Advocate,
for the petitioners.

Mr. Parveen Chouhan, Advocate, for
Mr. G.D.S. Wasu, APP, UT, Chandigarh,
for respondent No.1.

Mr. M.K. Arya, 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.0348 dated 22.07.2015 registered under Sections 406, 498-A of IPC at Police Station South Sector 34, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/statement dated 03.12.2018 (Annexure P-4) made by petitioner No.1 and respondent No.2 before the Additional District Judge, Chandigarh.

This Court vide order dated 07.03.2019 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 18.04.2019 to the effect that the compromise has been effected between the parties with their free will, without any threat, coercion or undue influence from any corner.

Respondent No.2-complainant, namely, Ashu Soni has made her statement with regard to compromise before learned Magistrate on 05.04.2019. The same is reproduced as under:-

“I have compromised the matter with the accused out of my free will and without any pressure, threat, coercion and promise. Present FIR was registered at my instance. I have no grudge against the accused and no objection if the present FIR is quashed as we have already filed a divorce petition under section 13-B of HMA which is pending in the court of Sh. Vijay Kumar, Ld. Additional District, Chandigarh for 4.7.2019 for second motion.”

Learned counsel appearing on behalf of UT, Chandigarh 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

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.0348 dated 22.07.2015 registered under Sections 406, 498-A of IPC at Police Station South Sector 34, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/statement dated 03.12.2018 (Annexure P-4) made by petitioner No.1 and respondent No.2 before the Additional District Judge, Chandigarh, however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

14.05.2019

sanjeev

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