

274.

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

CRM-M-16626-2018

Date of decision: 06.08.2019

DEEPAK ARORA AND ANR

... Petitioners

versus

U T OF CHANDIGARH AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.105 dated 21.09.2017 registered under Sections 406/498-A of IPC at Women Police Station, District Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 24.12.2017 (Annexure P-2).

This Court vide order dated 15.05.2019 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 14.06.2019 to the effect that the compromise is genuine and has been effected between the parties without any pressure or

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Deepti but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 31.05.2019. The same is reproduced as under:-

“Stated that the present FIR bearing No.105 dated 21.09.2017, under Section 498-A of IPC, PS Women Sec-17, UT, Chandigarh was registered against the accused persons namely Deepak Arora & Tara Devi, i.e. the present petitioners on my statement. Now I have compromised the matter with the above-said accused persons with the intervention of the respectables vide compromise deed, which is unconditional one and it has been placed on record in the petition pending before Hon'ble High Court. I have entered into the said compromise with my own free will without any coercion or any pressure and today I have given my statement voluntarily, without any pressure or coercion. I have no objection if FIR bearing No.105 dated 21.09.2017, under Section 498-A of IPC, PS Women Sec-17, UT, Chandigarh, be quashed qua the above said accused persons. Copy of my identity card is Ex.C1. Further, compromise effected between me and accused is not having any adverse effect on the rights of any third party.”

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.105 dated 21.09.2017 registered under Sections 406/498-A of IPC at Women Police Station, District Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 24.12.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

06.08.2019
sanjeev

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