

284.

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

CRM-M-11944-2019

Date of decision:04.07.2019

ISMILE KHAN AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. Harpreet Singh Multani, AAG, Punjab,
for respondent No.1.

Ms. Pratula Sethi, 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.4 dated 05.05.2018 registered under Sections 498-A, 406 of IPC at Women Police Station, District Ludhiana (Rural) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.08.2018 (Annexure P-2).

This Court vide order dated 15.03.2019 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, Jagraon and got their statements

submitted report dated 24.05.2019 to the effect that the compromise effected between the parties appears to be voluntary and genuine.

Respondent No.2-complainant, namely, Ruksana Bano has made her statement with regard to compromise before learned Magistrate on 10.05.2019. The same is reproduced as under:-

“Stated that a FIR No.4 dt. 05.05.2018 u/s 406, 498 A IPC, PS Women Cell, Jagraon, Ludhiana (R) lodged on my statement against accused Ismile Khan, Guldan Khan, Resham Bano, Sikander, Shiyna and Mubarak, all resident of Ward No.17, Dulmani road, Pillibanga, Hanumangarh, Distt. Hanumangarh, Rajasthan. I have compromised the matter with all accused with the intervention of the respectables of the village. The said compromise is voluntarily and without any coercion or undue influence. The attested copy of the compromise deed is Ex.C9. Self attested photocopy of Aadhar Card of Ruksana Bano is Ex.C8. I have received the third installment an amount of Rs.1,50,000/- by cash today in the court. Divorce/talaaq has been given as per Muslim Rights and ceremonies. Now nothing is due towards the abovesaid accused. There is no other complainant or affected/aggrieved party other than me arrayed in the petition. I have no objection if the present FIR is quashed against all the accused.”

Learned State counsel 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 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.4 dated 05.05.2018 registered under Sections 498-A, 406 of IPC at Women Police Station, District Ludhiana (Rural) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 29.08.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

04.07.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No