

273.

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

CRM-M-11806-2019

Date of decision: 04.11.2019

LAKHVEER KUMAR

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

ASI Avtar Singh.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.42 dated 13.10.2018 registered under Sections 406, 498-A of IPC at Police Station City Kurali, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 21.12.2018 (Annexure P-3).

This Court vide order dated 14.03.2019 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, however, parties could not appear. Again vide order dated 25.07.2019, parties were afforded one more opportunity to get their statements recorded in support of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Kharar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 27.08.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Sarla Devi but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 22.08.2019. The same is reproduced as under:-

“Stated that one F.I.R. No.42 dated 13.10.2018 under Sections 406 & 498-A of Indian Penal Code, at Police Station City Kurali, was registered on my statement against accused Lakhveer Kumar.

Now, with the intervention of the respectables, I have voluntarily entered into compromise with above named accused person, out of my free will and without any pressure or undue influence, coercion, inducement, threat or promise from any side. On the basis of compromise, accused has filed a quashing petition bearing No.CRM-M-11806 of 2019 titled as Lakhveer Kumar Versus State of Punjab and Another, in which the Hon'ble High Court has directed both the parties to come present before the Trial Court for recording their statements with regard to compromise. In compliance of the order of the Hon'ble High Court, I have come present for recording my statement. I have no objection if the above said F.I.R. is quashed by the Hon'ble Punjab and Haryana High Court against accused. No other case is pending against us. None of the parties has been declared Proclaimed Offender. The photocopy of my Aadhaar Card is Mark-A.”

As per the affidavit, the parties are staying together as husband and wife.

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.42 dated 13.10.2018 registered under Sections 406, 498-A of IPC at Police Station City Kurali, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/affidavit dated 21.12.2018 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

04.11.2019
sanjeev

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