

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

281

CRM-M-13615-2019

Date of Decision:05.07.2019

Sunil Harchand

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Vishal Munjal, Advocate,
for the petitioner.**

Mr. Sukhbeer Singh, AAG, Punjab.

**Mr. Parminder Singh, 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 FIR No.39 dated 30.03.2015 under Sections 498-A, 406 IPC, registered at Police Station Division No.2, Pathankot (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of joint statement dated 16.02.2019 made in the petition filed under Section 13-B of the Hindu Marriage Act(Annexure P-2).

This Court vide order dated 26.03.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

Learned Judicial Magistrate 1st Class, Pathankot and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 25.04.2019 to the effect that the parties have to recorded their statements voluntarily and out of free will with regard to the compromise.

Respondent No.2-complainant, namely, Arti Thakur, has made a statement with regard to compromise before learned Magistrate on 22.04.2019. The same is reproduced as under:-

“In the present case I have compromised with the accused Sunil Harchand with my free will, consent, without any threat and coercion. I have no objection if the above mentioned FIR in the said case is quashed by the Hon'ble High Court against the accused Sunil Harchand. The statement is being made voluntarily.”

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 F.I.R.

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 when the disputes are substantially matrimonial in nature, or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes 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 of India.

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***, as approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others***

(2012) 10 SCC 303 also, in the light of *Gold Quest International Private Limited's case (supra)*, this petition is allowed and FIR No.39 dated 30.03.2015 under Sections 498-A, 406 IPC, registered at Police Station Division No.2, Pathankot (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of joint statement dated 16.02.2019 made in the petition filed under Section 13-B of the Hindu Marriage Act(Annexure P-2).

July 05, 2019

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No