

286.

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

CRM-M-28549-2018

Date of decision:01.05.2019

VINOD KUMAR AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Monika Sharma, Advocate, for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Respondent No.2 in person.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.104 dated 19.09.2014 registered under Sections 406/498-A of IPC at Police Station Women Cell, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.02.2018 (Annexure P-2).

This Court vide order dated 10.12.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. However, the parties could not appear before the trial Court/Illaq Magistrate and again vide order dated 23.01.2019, parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded in terms of order dated

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 11.03.2019 to the effect that the compromise is genuine and has been effected between the parties without any pressure or coercion.

Respondent No.2-complainant, namely, Tripta has made her statement with regard to compromise before learned Magistrate on 28.02.2019. The same is reproduced as under:-

“I have compromised the matter with Vinod Kumar, Mohan Singh and Sushila Devi in FIR No.104 dated 19.09.2014, U/s 406/498A IPC, PS Women Cell Ludhiana was registered against the above said accused on my statement. Now with the intervention of the respectables, compromise was executed (copy of original compromise already attached with the quashing petition before Hon'ble High Court). Now nothing is due against the accused persons. I have no objection if the above said FIR may be quashed against Vinod Kumar, Mohan Singh and Sushila Devi. I am giving the statement with my free consent without any coercion.”

Learned State counsel has 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

SANJEEV KUMAR
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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.104 dated 19.09.2014 registered under Sections 406/498-A of IPC at Police Station Women Cell, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 27.02.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

01.05.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No