

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

289

CRM-M-14850-2019

Date of Decision:27.08.2019

Amit Kanwal

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Rajiv Joshi, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. G.S. Sawhney, 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.23 dated 02.03.2016 under Sections 406/498-A IPC, registered at Police Station Mataur, District SAS Nagar(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-cum-settlement-deed dated 16.01.2019 (Annexure P-2).

Learned counsel for the petitioner states that the matter has been compromised between the parties. Even the divorce petition filed under Section 13-B of the Hindu Marriage Act has been allowed and decree of divorce has already been granted.

Learned counsel for complainant-respondent No.2 does not

dispute the very factum of compromise and decree of divorce granted in

the petition filed under Section 13-B of the Hindu Marriage Act.

This Court vide order dated 23.05.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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, SAS Nagar, Mohali 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 effected between the parties is genuine, voluntarily and without any pressure or undue influence.

Respondent No.2-complainant, namely, Jeewandeep Kaur Anand as well as petitioner-Amit Kanwal have made the joint statement with regard to compromise before learned Magistrate on 30.05.2019. The same is reproduced as under:-

“Stated that FIR No.23, dated 02.03.2016 under Section 406, 498-A IPC and, PS Mataur, Mohali was got registered against accused Amit Kanwal. We have effected compromise with each other and I Jeewandeep Kaur Anand do not want to further pursue with the my complaint. We have no objection in case the FIR registered against above named is quashed. The above said compromise was got effected by us of our free Will without any pressure and coercion and nothing is due to be paid by the accused towards any alimony past, present and future and no case is pending in any Court either Civil or Criminal.”

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

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.23 dated 02.03.2016 under Sections 406/498-A IPC, registered at Police Station Mataur, District SAS Nagar(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise-cum-settlement-deed dated 16.01.2019 (Annexure P-2), subject to payment of costs of Rs.20,000/- to be paid by the petitioner, within a period of one month from today with the **Government Medical College and Hospital, Sector-32, Chandigarh**, and the said amount would be spent for the treatment of poor patients within the knowledge of its Director. The petitioner shall produce a receipt with the Registry.

August 27, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No