

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

296

CRM-M-14971-2019

Date of Decision:24.05.2019

Aman Garg

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. D.S. Randhawa, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, D.A.G., Punjab,
for respondent No.1.

Mr. Ripudaman Singh Sidhu, 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.139 dated 29.10.2016 under Sections 406, 498-A IPC, registered at Police Station Women, District Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise-deed dated 15.03.2019 (Annexure P-2).

This Court vide order dated 02.04.2019 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, Ludhiana and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.05.2019 to the effect that the parties have entered into compromise without any pressure, coercion and the same has been done with free consent of the parties.

Respondent No.2-complainant, namely, Alka Rani, has made a statement with regard to compromise before learned Magistrate on 26.04.2019. The same is reproduced as under:-

“That the present criminal case FIR No.139 of 29.10.2016 U/s 406, 498-A IPC PS Women Cell, Ludhiana was registered on the basis of complaint moved by me. The FIR was registered against my husband Aman Garg s/o Late Naveen Garg. During pendency of this case, a compromise has been effected between the parties which was reduced in writing in the shape of compromise and the same is Ex.CX. The copy of compromise is already produced in the quashing petition no.CRM-M-14971-2019 before the Hon'ble High Court of Punjab and Haryana. The said compromise has been effected between the parties with their free will and without any coercion or undue influence of any person. Now we are residing together as husband and wife under one roof since 15.03.2019. I have no objection if the present FIR be quashed/disposed off in view of compromise effected between the parties. Today I have brought my original aadhar card and photocopy of the same is EX.CX1.”

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.139 dated 29.10.2016 under Sections 406, 498-A IPC, registered at Police Station Women, District Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise-deed dated 15.03.2019 (Annexure P-2).

May 24, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No