

283.

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

CRM-M-15635-2019

Date of decision: 30.10.2019

SUKHBINDER SHUKLA

... Petitioner

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashish Singh, Advocate, for
Mr. D.K. Bhatti, Advocate, for the petitioner.

Ms. Jasleen Kaur Sidhu, AAG, Punjab,
for respondents No.1 to 3

Mr. Vinay Puri, Advocate, for respondent No.4.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.92 dated 01.07.2016 registered under Sections 406/498-A of IPC at Police Station Women Cell, Jalandhar, District Jalandhar City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.02.2019 (Annexure P-2).

This Court vide order dated 04.04.2019 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.

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

submitted report dated 23.10.2019 to the effect that the compromise is genuine and has been effected between the parties without any pressure or coercion.

Respondent No.4-complainant, namely, Anpurna Kumari has made her statement with regard to compromise before learned Magistrate on 02.09.2019. The same is reproduced as under:-

“Stated that the matter has been compromised with the accused person namely Sukhbinder Kumar Shukla son of Chandeshwar Shukla. Chandeshwar Shukla and Sanju Shukla wife of Chandeshwar Shukla, all residents of H.No.92 Master Mehnga Singh colony, Birring, Jalandhar Cantt. with the intervention of respectables of the society and the same has been effected voluntarily for myself. The accused have filed quashing petition CRM-M No.15635 of 2019 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing present case FIR and the present proceedings. The said compromise is genuine and arrived at with free consent and without any pressure, coercion, undue influence and inducement from any quarter. I have no grudge or ill will against all the accused. Present FIR may kindly be quashed against all the above said accused in view of the said compromise. There is only one accused arrayed in the present FIR and two accused namely Chandeshwar Shukla and Sanju Shukla were summoned in application under Section 319 of Cr.P.C. There is no any other accused nor any of the accused is proclaimed person. I have also brought photocopy of my Aadhar Card as my identify proof i.e. Ex.C1. ”

Learned counsel for respondent No.4-complainant does not dispute the factum of compromise, rather states that decree of divorce has been granted in the case.

Learned State counsel also does not dispute 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 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.92 dated 01.07.2016 registered under Sections 406/498-A of IPC at Police Station Women Cell, Jalandhar, District Jalandhar City (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 26.02.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.10.2019
sanjeev

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