

284.

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

CRM-M-20419-2019

Date of decision:15.10.2019

ANMOL BANSAL AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Balwinder Singh, Advocate, for the petitioners.

Mr. Saurav Khurana, DAG, Punjab, for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.204 dated 10.10.2018 registered under Sections 498-A, 406 of IPC at Police Station Mataur, District SAS Nagar Mohali (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement dated 13.11.2018 (Annexure P-2 colly).

This Court vide order dated 06.05.2019 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, however, parties could not appear. Again vide order dated 09.09.2019, parties were afforded another opportunity to get their statements recorded.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, SAS Nagar (Mohali) and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 24.09.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any pressure or undue influence.

Statement of petitioner No.3-Parvesh Bansal, who is mother-in-law, has not been recorded, but no prejudice is going to be caused to the complainant as she has already suffered a statement in support of the compromise qua all the accused.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Sakshi Bansal but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 12.09.2019. The same is reproduced as under:-

“Stated that FIR No.204, dated 10.10.2018 under Section 406, 498-A IPC, PS Mataur, Mohali was registered by me against Anmol Bansal, Devinder Kumar Bansal and Parvesh Bansal, all r/o H.no.1139, Basant Avenue, Dugri road, Ludhiana, Punjab. I have effected a compromise with the accused Anmol Bansal, Devinder Kumar Bansal and Parvesh Bansal. Since today, one of the accused Parvesh Bansal is not present in the court but I have no objection if the FIR is quashed qua her also. I do not want to pursue with the present FIR case. I have no objection in case the FIR registered against above named accused is quashed. The above said compromise was effected by me with my free will without any pressure and 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 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.204 dated 10.10.2018 registered under Sections 498-A, 406 of IPC at Police Station Mataur, District SAS Nagar Mohali (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement dated 13.11.2018 (Annexure P-2 colly), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Government Medical College and Hospital, Sector 32, Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

15.10.2019
sanjeev

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