

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

282

CRM-M-16565-2019

Date of Decision:15.07.2019

Davinder Sharma and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

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 FIR No.23 dated 31.05.2016 under Sections 406/498-A, 497, 120-B IPC, registered at Police Station Women, District Amritsar City (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise-deed dated 20.01.2019 (Annexure P-2).

This Court vide order dated 10.04.2019 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 1st Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 17.05.2019 to the effect that the compromise effected

between the parties is genuine, voluntarily and without any coercion and undue influence.

Though no one is present on behalf of respondent No.2-complainant Mamta Sharma in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 14.05.2019. The same is reproduced as under:-

“ Stated that present FIR bearing No.23 dated 31.05.2016 of P.S. Women Amritsar u/s 406, 498, 497, 120-B IPC was registered against Davinder Sharma and Ashok Sharma on my complaint. During the pendency of trial and with intervention of respectables the matter between me and accused has been compromised ad started living with accused. That in view of the compromise I do not want to the peruse the present FIR and I have no objection if the FIR against accused be quashed on the basis of compromise. That the compromise is without any force, coercion and undue influence and is for the betterment of the parties.”

No one is present on behalf of the petitioners. The compromise-deed dated 20.01.2019 is annexed as Annexure P-2. As per the compromise, respondent No.2 who is complainant in the FIR has gone back to her matrimonial house and both the parties have decided to stay happily in future and will not give any opportunity to complain.

No one is present on behalf of respondent No.2, so as to controvert the very factum of compromise.

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 F.I.R.

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 31.05.2016 under Sections 406/498-A, 497, 120-B IPC, registered at Police Station Women, District Amritsar City (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise-deed dated 20.01.2019(Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

July 15, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No