

246.

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

CRM-M-17385-2019

Date of decision: 05.08.2019

MOHIT SHARMA AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

ASI Kuldip Singh.

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.77 dated 14.10.2014 registered under Sections 406, 498-A of IPC at Police Station Women Cell, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.03.2019 (Annexure P-2).

This Court vide order dated 22.04.2019 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

genuine and has been effected between the parties without any pressure or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jyoti Sharma but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 22.05.2019. The same is reproduced as under:-

“Stated that the matter has been compromised with the accused person namely Mohit Sharma son of Banarsi Dass Sharma and Tripta Sharma wife of Banarsi Dass Sharma, both resident of H.No.ES 164 Maqdoom pura, Jalandhar 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.17385 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 both the accused. Present FIR may kindly be quashed against all the accused in view of the said compromise. There are only two accused arrayed in the present FIR. There is no any other accused nor any of the accused is proclaimed person. Today as per compromise, I have received a demand draft of Rs.3,75,000/- bearing no.038004 drawn on Bandhan Bank dt. 20.05.2019 as remaining part payment of the amount settled. Now nothing is due towards accused Mohit Sharma. Copy of the demand draft is Ex.C1. I have also brought photocopy of my Aadhar Card as my identity proof i.e. Ex.C2. I will remain bound to give my statement of second motion a divorce petition filed by us.”

ASI Kuldip Singh, present in the Court, does not dispute the very 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.77 dated 14.10.2014 registered under Sections 406, 498-A of IPC at Police Station Women Cell, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 18.03.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

05.08.2019
sanjeev

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