

270.

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

CRM-M-39374-2018

Date of decision:29.04.2019

HITESH KUMAR AND ORS.

... Petitioners

versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vishnu Dutt, Advocate, for
Mr.Naveen Bawa, Advocate,
for the petitioners.

Mr.Rana Harjasdeep Singh, 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.27 dated 17.03.2018 registered under Sections 406/498-A of IPC at Police Station Women, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.07.2018 (Annexure P-2).

This Court vide order dated 31.01.2019 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 Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 20.02.2019 to the effect that the compromise has been effected between the parties out of their free will and without any sort of pressure and fear.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Pooja but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 08.02.2019. The same is reproduced as under:-

“Stated that I got lodged FIR no.27 of 2018, U/s 406, 498A IPC, P.S. Women Cell, Ludhiana, against the accused persons namely Hitesh Kumar, Santosh Verma and Balram Verma, R/o WZ-196, B/1, Lane No.3, Varinder Nagar, Post Office Janakpur, New Delhi. Now, I have entered into compromise with the accused persons namely Hitesh Kumar, Santosh Verma and Balram Verma, out of my free will and without any sort of pressure and fear. As such, I do not want to pursue with the case against the above said accused persons, as the matter has been compromised. I have no objection, if the said FIR be quashed against the above said accused persons. Accordingly, nobody would initiate any legal proceedings regarding the said FIR against each other. Today I have brought my identity proof as proof of my identity and the photocopy of same is Ex.PA. Photocopy of the compromise is Ex.PX.”

Learned State counsel has not disputed the factum of

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.27 dated 17.03.2018 registered under Sections 406/498-A of IPC at Police Station Women, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 03.07.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.15,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

29.04.2019

sanjeev

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No