

276.

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

CRM-M-18856-2019 (O&M)

Date of decision: 06.12.2019

PANKAJ KHANDELIA AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

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

Mr. N.S. Diwana, Advocate, 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.17 dated 05.02.2019 registered under Sections 406, 498-A of IPC at Police Station Mataur, Mohali (Annexure P-1), on the basis of compromise dated 13.02.2019 (Annexure P-2).

This Court vide order dated 26.04.2019 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, SAS Nagar (Mohali) and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 25.07.2019 to the effect that the

compromise is genuine and has been effected between the parties voluntarily, without any pressure or undue influence.

Respondent No.2-complainant, namely, Jasmine Grewal has made her statement with regard to compromise before learned Magistrate on 19.07.2019. The same is reproduced as under:-

“Stated that FIR No.17, dated 05.02.2019 under Section 406, 498 A IPC, PS Mataur, Mohali was registered by me against Pankaj Khandelia s/o Late Gauri Shanker Khandelia and Meera Khandelia w/o Late Sh. Gauri Shanker Khandelia both r/o of H.no.565, Sector 33B, Chandigarh and presently residing at Ho.no.951, Sector 8, Panchkula. I have effected a compromise with both the abovesaid accused and compromise is Ex.CX. I do not want to pursue with the present FIR case. I have no objection in case the FIR registered against above named accused persons is quashed. The above said compromise was effected by me with my free will without any pressure and coercion.”

Learned State counsel has filed status report by way of an affidavit of Harvinder Singh Virk, PPS, Superintendent of Police (City), District SAS Nagar, on behalf of respondent No.1 in court today, which is taken on record. As per the status report, the police has completed investigation and has prepared cancellation report which is likely to be presented in the court. Even otherwise, the prayer in this petition is for quashing of FIR on the basis of compromise.

In view of the fact that the matter having been compromised between the parties and the police has prepared cancellation report, 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.17 dated 05.02.2019 registered under Sections 406, 498-A of IPC at Police Station Mataur, Mohali (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 13.02.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

06.12.2019
sanjeev

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