

268.

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

CRM-M-41403-2018

Date of decision:03.04.2019

SAURABH MAHAJAN AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr. Raj Karan Singh Verka, 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.91 dated 17.11.2015 registered under Sections 498-A, 406 of IPC at Women Police Station, Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.07.2018 (Annexure P-2).

This Court vide order dated 16.11.2018 had directed the parties to appear before the trial Court/Illaq Magistrate 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, Amritsar and got their statements

submitted report dated 05.12.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Nishu Gupta @ Nisha has made her statement with regard to compromise before learned Magistrate on 26.11.2018. The same is reproduced as under:-

“Stated that the present FIR No.91 dated 17.11.2015 under Section 406, 498-A IPC was registered at Police Station Women Cell, District Amritsar against accused Saurabh Mahajan, Bhushan Mahajan alias Bhushan Gupta, Saroj Mahajan alias Saroj Gupta and Gaurav Mahajan on the basis of my statement. Now with the intervention of respectable persons, I have compromised the matter with the above named accused persons, out of my own free will, without any coercion or undue influence. A joint petition u/s 13-B of Hindu Marriage Act has been filed by both the parties in which first statement regarding compromise has been recorded and now it is pending for 15.3.2019 for final statement. I also produce self attested copy of my Aadhar Card as my identity proof. No proclamation proceedings is pending against any of the accused involved in this case. I have no objection if the above said FIR may be quashed on the basis of compromise by the Hon'ble High Court.”

Learned counsel for respondent No.2-complainant states that the matter has been compromised and a decree of divorce under Section 13-B of Hindu Marriage Act has been granted.

Learned State counsel also 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.91 dated 17.11.2015 registered under Sections 498-A, 406 of IPC at Women Police Station, Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 26.07.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- 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

03.04.2019

sanjeev

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No