

289.

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

CRM-M-43303-2018

Date of decision:01.05.2019

GURVINDER SINGH & ANR

... Petitioners

versus

STATE OF UT CHANDIGARH & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sudhir Sharma, Advocate,
for the petitioners.

Mr. J.S. Toor, APP, UT, Chandigarh,
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.381 dated 26.11.2010 registered under Sections 406, 498A of IPC at Police Station Sector 34, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.08.2018 (Annexure P-2).

This Court vide order dated 25.01.2019 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 Judicial Magistrate Ist Class, Chandigarh and got their statements

submitted report dated 01.03.2019 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Kulwant Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 28.02.2019. The same is reproduced as under:-

“I have no objection if the FIR be quashed against accused persons as matter has been compromised with my free will and consent. I have received copy of affidavit in which accused have deposed that they are not having possession of letter.”

Learned counsel appearing on behalf of UT Chandigarh 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.381 dated 26.11.2010 registered under Sections 406, 498A of IPC at Police Station Sector 34, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 08.08.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

01.05.2019
sanjeev

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