

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.43727 of 2018

Date of decision: 16.01.2019

Harkesh Saini and another

.... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vaibhav Narang, Advocate
for the petitioners.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

Mr. Amit Wadhwa, 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 FIR No.99 dated 26.12.2015, under Sections 406/498-A IPC, registered at Police Station Women, District Amritsar and all the consequential proceedings arising therefrom on the basis of the compromise dated 20.04.2017 (Annexure P-1).

This Court vide order dated 21.11.2018 had directed the parties to appear before the trial court to get their statements recorded and the learned trial court 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 recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.12.2018 to the effect that the parties have

compromised the matter with their free consent and without any pressure, threat, coercion or undue influence from any quarter and the same is valid and genuine.

Respondent No.2-Complainant, namely, Inderjit Kaur, has made a statement with regard to compromise before learned Magistrate on 28.11.2018. The same is reproduced as under:-

“That a case has been got registered by me against accused-Harkesh Saini and Satwinder Kaur bearing FIR No.99 dated 26.12.2015 u/s 406/498A IPC 1985 at Police Station Women, District Amritsar in which the matter has been compromised between the parties. The above said compromise is out of our free will and without any pressure or undue influence or threat. That I have no objection if the aforesaid FIR along with all proceedings consequent thereto against the accused person be quashed”

Learned State counsel as well as learned counsel for respondent No.2 have 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 F.I.R.

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 when the disputes are substantially matrimonial in nature, or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes 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 of India.

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**, as approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303** also, in the light of **Gold Quest International Private Limited's case (supra)**, this petition is allowed. FIR No.99 dated 26.12.2015, under Sections 406/498-A IPC, registered at Police Station Women, District Amritsar and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of the compromise dated 20.04.2017 (Annexure P-1).

(HARI PAL VERMA)
JUDGE

16.01.2019

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1. Whether speaking/non-speaking?	Yes/No
2. Whether reportable?	Yes/No