

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

345

CRM-M-21298-2019

Date of Decision:26.08.2019

Punit Kumar Kashyap and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: None for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

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 FIR No.271 dated 26.09.2014 under Sections 406, 498-A IPC, registered at Police Station Dharamkot, District Moga(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of settlement/agreement dated 14.06.2018(Annexure P-2).

This Court vide order dated 10.05.2019 had directed the parties to appear before the Illaqa Magistrate/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 1st Class, Moga and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 10.07.2019 to the effect that the compromise effected between the parties seems to be genuine, voluntary and without any coercion or undue influence.

Though no one is present on behalf of complainant-respondent No.2-Dhirja in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 08.05.2019. The same is reproduced as under:-

“It is stated that I am the complainant in the present case arising out of FIR No.271 dated 26.09.2014 under Sections 498-A, 406 of Indian Penal Code, Police Station Dharamkot, District Moga. The matter in dispute has been compromised amicably with the intervention of the respectable of society. I have effected compromise with accused party with my free will and without any threat, pressure or coercion. I have no objection if petition under Section 482 Cr.P.C. filed by accused in the Hon'ble Punjab and Haryana High Court is allowed and abovesaid FIR is quashed.”

Learned State counsel 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 complaint.

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 and FIR No.271 dated 26.09.2014 under Sections 406, 498-A IPC, registered at Police Station Dharamkot, District Moga(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of settlement/agreement dated 14.06.2018(Annexure P-2).

August 26, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No