

267.

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

CRM-M-44528-2018

Date of decision:29.01.2019

AMAN GARG

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Petitioner in person.

Mr. Jagmohan Ghumman, DAG, Punjab, 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.139 dated 29.10.2016 registered under Sections 406, 498-A of IPC at Police Station Women, District Ludhiana City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement dated 29.09.2018 (Annexure P-2).

Vide order dated 08.10.2018, this Court had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded in support of the compromise.

Pursuant to the aforesaid order, parties have appeared before the trial Court. The complainant also appeared before the trial Court on 31.10.2018 and made a statement that as the accused has failed to fulfill his promise on the basis of which the matter was compromised, she would like to proceed with the FIR. The statement of the complainant dated 31.10.2018

reads as under:-

“Stated that although the compromise was effected between the parties but the accused has failed to perform his part of compromise. The accused has failed to fulfill his promise on the basis of which the matter was compromised. As the accused and his family members has retracted from the promises they made at the time of compromise and due to act and conduct of accused the compromise entered between the parties has come to end. As the consent was obtained on the basis of false promises and the compromise now stand shattered. Therefore, I want to proceed with the present trial arising out of FIR No.139 dated 29.10.2016 under Sections 406, 498-A IPC.”

Considering the fact that the present petition is for quashing of FIR on the basis of compromise and the complainant has made her statement before the learned Judicial Magistrate Ist Class, Ludhiana on 31.10.2018 that the petitioner has failed to fulfill his promise and she would like to proceed with the present FIR, this Court finds that the present FIR cannot be quashed on the basis of compromise.

Accordingly, present petition is dismissed as such at this stage.

However, in case there is a fresh compromise between the parties at a later stage, the parties would be at liberty to file a fresh petition seeking quashing of FIR on the basis of compromise or on merits.

Considering the fact that the FIR in question was registered on 29.10.2016, the trial Court shall make an endeavour to expedite the trial.

(HARI PAL VERMA)
JUDGE

29.01.2019

sanjeev

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No