

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

353

CRM-M-22011-2019

Date of Decision:26.08.2019

Rahul

.....Petitioner

Versus

State of U.T. Chandigarh and another

.....Respondents

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

Present: Mr. Dhrupwinder Brar, Advocate,
for the petitioner.

Mr. Rajiv Vij, APP,
for the U.T., Chandigarh.

Mr. Harjeet Saura, 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.5 dated 22.02.2018 under Section 498-A IPC, registered at Police Station Women, District Chandigarh, U.T., Chandigarh (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 26.03.2019 (Annexure P-2).

Learned counsel for the petitioner states that the parties have decided to stay together as a husband and wife.

This Court vide order dated 14.05.2019 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, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 31.07.2019 to the effect that the compromise effected between the parties seems to be genuine and voluntary, which is not the result of any pressure, coercion or undue influence.

Respondent No.2-complainant, namely, Sonia, has made a statement with regard to compromise before learned Magistrate on 10.07.2019. The same is reproduced as under:-

“Stated that the present FIR bearing No.5 dated 22.02.2018, under Section 498-A of IPC, PS Women, Sec-17, UT, Chandigarh was registered only against accused Rahul, i.e. the present petitioner on my statement. Now I have compromised the matter with the above-said accused with the intervention of the respectables vide compromise deed, which is unconditional one and it has been placed on record in the petition pending before Hon'ble High Court. Now I am happily residing with the accused/petitioner after the said compromise. I have entered into the said compromise with my own free will without any coercion or any pressure and today I have given my statement voluntarily, with my own free will, without any pressure or coercion. I have no objection if FIR bearing No.5 dated 22.02.2018, under Section 498-A of IPC, PS Women Sec-17, UT, Chandigarh, be quashed qua the above said accused. Copies of my identity proofs are Ex.C1 & Ex.C2. Further, the compromise effected between me and accused is not having any adverse effect on the rights of any third party.”

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.

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.5 dated 22.02.2018 under Section 498-A IPC, registered at Police Station Women, District Chandigarh, U.T., Chandigarh (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 26.03.2019 (Annexure P-2).

August 26, 2019

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(HARI PAL VERMA)**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No