

270.

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

CRM-M-47046-2018

Date of decision:13.02.2019.

SANDEEP KUMAR KIYAT & ORS.

... Petitioners

versus

STATE OF PUNJAB & ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Mahir Sood, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

Ms. Arti Kaur, 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 F.I.R. No.33 dated 13.05.2017 registered under Section 498-A, 406 of IPC at Police Station Sadar Banga, District S.B.S. Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.08.2018 (Annexure P-2).

This Court vide order dated 25.10.2018 had directed the parties to appear before the trial Court/Illaq Magistrate 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, Shaheed Bhagat Singh Nagar and got

their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.12.2018 to the effect that the compromise has been effected between the parties voluntarily, without any inducement, coercion or pressure.

Respondent No.2-complainant, namely, Gurdeep Kaur has made her statement with regard to compromise before learned Magistrate on 01.11.2018. The same is reproduced as under:-

“I am complainant in the present case bearing FIR No.33 dated 13.05.2017, u/s 406/498A IPC, PS Sadar Banga. I have compromised the matter with my own free will and without any undue influence and coercion. I have willingly entered into compromise with the petitioners/accused. I admit the original compromise deed Annexure “A” to be correct and binding which bears my signature. Copy of my aadhar card is annexure “B”. I have already filed petition u/s 13 B of Hindu Marriage Act in the learned Family Court, SBS Nagar which is pending for 18.02.2019 for final statement. As per the terms of the compromise, I have received Rs.150000/- through DD No.962805 dated 31.10.2018 drawn upon PNB, Phagwara, copy of which is annexure is “C”. I have also received my entire gold articles from the petitioners/accused and now, nothing is due from them except Rs.175000/- which shall be received by me on second motion of petition u/s 13-B of HMA on 18.02.2019. Accordingly, I have no objection if the FIR against the petitioners/accused namely Anil Kumar, Sandeep Kumar Kayat and Kunti Devi in present case is 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 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.33 dated 13.05.2017 registered under Section 498-A, 406 of IPC at Police Station Sadar Banga, District S.B.S. Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.08.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be paid to the High Court Lawyers Welfare Fund and a receipt thereof shall be produced in the Registry within 15 days.

(HARI PAL VERMA)
JUDGE

February 13, 2019

Jyoti-1 Whether speaking/reasoned Yes/No Whether reportable Yes/No