

269.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47396-2018

Date of decision:07.02.2019.

RITESH SANGAR

... Petitioner

versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Nonefor 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.130 dated 12.09.2013 registered under Sections 498-A, 406, 506 of IPC at Police Station Division No.2, District Pathankot (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.09.2018 (Annexure P-2).

This Court vide order dated 30.11.2018 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, Pathankot and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

been effected between the parties with their free will and without any pressure or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Rabia Sangar, but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 07.01.2019. The same is reproduced as under:-

“That I had lodged FIR no.130 dated 12.09.2013, U/s 498-A, 406, 506 of IPC, PS Division No.2, Pathankot, against the accused Ritesh Sangar. That I have compromised/settled the matter with accused and as per the compromise we have also filed petition under Section 13-B of Hindu Marriage Act. I have no objection if the FIR no.130 dated 12.09.2013, U/s 498A, 406, 506 of IPC, PS Division No.2, Pathankot, is quashed. That I am the complainant in the said F.I.R. and today I am giving my statement out of my free will and consent, without any coercion and there is no pressure on me.”

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 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 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

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.130 dated 12.09.2013 registered under Sections 498-A, 406, 506 of IPC at Police Station Division No.2, District Pathankot (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 17.09.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

(HARI PAL VERMA)
JUDGE

07.02.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No