

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

284

CRM-M-23170-2019

Date of Decision:05.09.2019

Ajay Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Achin Gupta, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

None for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.14 dated 25.02.2017 under Sections 498-A/406 IPC, registered at Police Station Moga Sadar, District Moga (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise(Annexure P-2).

This Court vide order dated 20.05.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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, the complainant has appeared before learned Additional Chief Judicial Magistrate, Moga and got her statement recorded. On the basis of the statement so recorded, learned

Magistrate has submitted report dated 29.07.2019 to the effect that the parties have compromised the matter without any pressure or coercion or undue influence and with their own sweet will.

Though no one is present on behalf of respondent No.2-complainant-Kiran Kaur 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 19.07.2019. The same is reproduced as under:-

“Stated that FIR No.14 dated 25.02.2017 was registered against the accused Ajay Kumar son of Ramesh Kumar son of Ram Bharose under Sections 498-A/406 IPC at P.S. Sadar, Moga. We have compromised the matter with the accused voluntarily. The compromise between us has been effected with the intervention of respectable of the village. We have compromised the matter without any pressure or coercion or undue influence and with our own sweet will. I have no objection if the said FIR is quashed. No other criminal case is pending between us. FIR was registered against accused Ajay Kumar only. No accused has been declared proclaimed offender in this case. My daughter Monika Rani has taken divorce from Ajay Kumar with mutual consent.”

Apart from above, a similar statement has also been made by respondent No.3-Monika Rani, whereby she has shown no objection to the present FIR being 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 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 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.14 dated 25.02.2017 under Sections 498-A/406 IPC, registered at Police Station Moga Sadar, District Moga (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise (Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioner, within a period of one month from today with the **Post Graduate Institute of Medical Education and Research, Chandigarh** and the said amount would be spent for the treatment of poor patients within the knowledge of its Director. The petitioner shall produce a receipt with the Registry.

September 05, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No