

272.

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

CRM-M-51243-2018

Date of decision:15.01.2019.

MOHD. IRSHAD AND ANR

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vaibhav Narang, Advocate,
for the petitioners.

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

Mr. H.S. Bhullar, Advocate,
Mr. Subhash Chand, 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.15 dated 02.04.2018 registered under Sections 406/498A IPC at Police Station Women, District Police Commissionerate, Amritsar (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.09.2018 (Annexure P-1).

This Court vide order dated 21.11.2018 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

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.12.2018 to the effect that the compromise is genuine and has been effected between the parties without any pressure or undue influence of the parties.

Respondent No.2-complainant, namely, Asma made her statement with regard to compromise before learned Magistrate on 28.11.2018. The same is reproduced as under:-

“That a case has been got registered by me against accused-Mohd. Irshad and Rizwan bearing FIR No.15 dated 02.04.2018 u/s 406/498A IPC at Police Station Women District Police Commissionerate, Amritsar in which the matter has been compromised between the parties. The above said compromise is out of our free will and without any pressure or undue influence or threat. That I have no objection if the aforesaid FIR along with all proceedings consequent thereto against the accused person be 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 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 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.15 dated 02.04.2018 registered under Sections 406/498A IPC at Police Station Women, District Police Commissionerate, Amritsar (Annexure P-2) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 17.09.2018 (Annexure P-1).

(HARI PAL VERMA)
JUDGE

15.01.2019
sanjeev

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