IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

276 **CRM-M-23682-2019**

Date of Decision:12.09.2019

Manjit Thapa **.....Petitioner**

Versus

State of Punjab and another **.....Respondents**

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

Present: **Mr. Jashandeep Singh Warrich, Advocate for Mr. Vipin Mahajan, Advocate, for the petitioner.**

Mr. Saurav Khurana, DAG, Punjab.

Mr. Vishal Munjal, Advocate, for respondent No.2.

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HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.15 dated 08.02.2019 under Sections 406, 498-A IPC, registered at Police Station Division No.2, Pathankot, Punjab(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise(Annexure P-2).

Learned counsel for the petitioner states that in terms of the compromise, the parties have filed the petition under Section 13-B of the Hindu Marriage Act and the case is pending before the Family Court, Pathankot for 02.11.2019, so as to record statements of second motion.

This Court vide order dated 23.05.2019 had directed the parties to appear before the trial Court/Illaqa Magistrate to get their statements

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recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate 1st Class, Pathankot and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.08.2019 to the effect that the compromise is genuine and without any coercion or undue influence.

Respondent No.2-complainant, namely, Manisha Kumari, has made a statement with regard to compromise before learned Magistrate on 19.07.2019. The same is reproduced as under:-

> *"That I had lodged FIR No.15 dated 08.02.2019, U/s 498-A, 406 IPC, PS Division No.2, Pathankot, against the accused Manjit Thapa. That I have compromised/settled the matter with accused. I have no objection if the FIR No.15 dated 08.02.2019, U/s 498-A, 406 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 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 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.

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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.15 dated 08.02.2019 under Sections 406, 498-A IPC, registered at Police Station Division No.2, Pathankot, Punjab(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 Poor Patients' Welfare Fund of **Post Graduate Institute of Medical Education and Research, Chandigarh**. The petitioner shall produce a receipt with the Registry.

September 12, 2019 **(HARI PAL VERMA)**
seema **JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

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