

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

264

CRM-M No.51486 of 2018

Date of decision: 16.01.2019

Prince and others

.... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gagandeep Singh, Advocate for
Mr. A.S.Manaise, Advocate
for the petitioners.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

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 07.07.2017 registered under Sections 498-A and 406 IPC at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.08.2018 (Annexure P-2).

Learned counsel for the petitioners states that the matter has been compromised between the parties and compromise dated 09.08.2018 (Annexure P-2) has been entered into between the parties. Accordingly, pursuant to the compromise between the parties, a petition under Section 10-A of the Indian Divorce Act for dissolution of marriage has been filed as the parties are Christian by religion.

This Court vide order dated 22.11.2018 had directed the parties to appear before the trial court 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, parties have appeared before learned Judicial Magistrate Ist Class, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 17.12.2018 to the effect that the parties have compromised the matter with their free consent and without any pressure, threat, coercion or undue influence from any quarter and the same is valid and genuine.

Respondent No.2-Complainant, namely, Amita, has made a statement with regard to compromise before learned Magistrate on 28.11.2018. The same is reproduced as under:-

“Stated that the present FIR bearing No.130 dated 07.07.2017 under Section 406/498-A IPC, Police Station Civil Lines, Batala was registered against the accused namely Prince, Jarnail Singh, Wallet, Rekha, Ashok Kumar, Poonsam and Ashok Raja on my statement. Now I have compromised the matter with accused above named with the intervention of the respectables vide compromise deed. Original of said compromise deed is attached with petition filed before Hon'ble High Court. I have no objection if FIR bearing No.130 dated 07.07.2017 under Section 406/498-A IPC, Police Station Civil Lines, Batala, be quashed qua the above said persons. I have given my statement with my free will and without any coercion and any pressure. Copy of my identity card is Ex.C1. Further, compromise effected between me and accused is not having any adverse effect on the rights of any third party.”

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.

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. F.I.R. No.130 dated 07.07.2017 registered under Sections 498-A and 406 IPC at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of the compromise dated 09.08.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

16.01.2019
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1. Whether speaking/non-speaking?	Yes/No
2. Whether reportable?	Yes/No