

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256

CRM-M-52995-2018

Date of Decision:25.01.2019

Mahesh Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Ms. Harpreet Kaur Arora, Advocate for
Ms. Meenu Jajoria, Advocate,
for the petitioners.**

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.14 dated 17.02.2016 (Annexure P-1) under Sections 498-A, 406, 506 IPC, registered at Police Station City Fazilka, District Fazilka and all the consequential proceedings arising therefrom on the basis of compromise/settlement dated 22.11.2018 (Annexure P-3).

This Court vide order dated 30.11.2018 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 Chief Judicial Magistrate, Fazilka and got their statements recorded.

On the basis of the statements so recorded, learned Magistrate has submitted

report dated 17.01.2019 to the effect that the compromise is voluntarily,

genuine and without any kind of coercion or undue influence.

Though, today no one is present on behalf of respondent No.2- Complainant, namely, Heena @ Sangeeta, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 17.12.2018. The same is reproduced as under:-

“Stated that I have compromised with Mahesh Kumar etc. after the intervention of mediators appointed by Hon'ble High Court as the matter was referred in Mediation by Hon'ble High Court now I have no grudge with each other as I want to live peacefully and Mahesh Kumar etc. have filed a quashing petition before the Hon'ble High Court having CRM-M-52995 of 2018. As per compromise Mahesh Kumar has paid Rs.4 lac to me as part payment and I and Mahesh Kumar have already filed a joint petition under Section 13-B of Hindu Marriage Act before Sh. Sandeep Singh Josan ADJ Fazilka. First statement has already been recorded. I have received all the dowry articles as well as my educational certificates from Mahesh Kumar etc. and our compromise be accepted and FIR No.14 dated 17.02.2016 under Section 498-A, 406, 506 IPC, registered at PS City Fazilka, be quashed. I make my statement without any pressure, unde influence or coercion and with my sweet will.”

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.

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 17.02.2016 (Annexure P-1) under Sections 498-A, 406, 506 IPC, registered at Police Station City Fazilka, District Fazilka and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise/settlement dated 22.11.2018 (Annexure P-3).

January 25, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No