

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

CRM-M-53799 of 2018.

Decided on:- August 09, 2019.

Varinder Kumar.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- None.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.87 dated 04.06.2018 under Section 498-A I.P.C. registered at Police Station Nagal, District Rupnagar (Ropar) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 13.08.2018 (Annexure P-2).

This Court vide order dated 01.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioner as well as respondent No.2-complainant have appeared before learned Sub Divisional Judicial Magistrate, Nangal and got their statements recorded on 23.05.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 31.05.2019 to the effect that the compromise is

genuine and the parties have entered into compromise voluntarily, without any undue influence, pressure and coercion from any side.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Shivani Verma. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 23.05.2019 reads as under:

“Stated that FIR No.87 dated 04.06.2018 U/S 498-A IPC was registered at PS Nangal at my instance against Varinder Kumar only. After registration of FIR I effected compromise with accused Varinder Kumar and we have decided to part our ways and accordingly we filed a joint divorce petition U/S 13-B of Hindu Marriage Act before the Court of Ld. District Judge Rupnagar and a decree of divorce has already been granted by the Ld. District Judge vide judgment and Decree dated 27.02.2019. The copy of judgment and decree are Ex.P1 and Ex.P2. My Aadhar card is Ex.P3. At present nothing is remain pending against Varinder Kumar and we have already settled all our matter and disputes between each other. The compromise was effected by the relatives and family friends and I have effected the compromise out of my own sweet will and without any inducement threat and coercion from any quarter. On the basis of the aforesaid compromise Varinder Kumar has filed CRM No.53799 of 2018 before the Hon’ble High Court seeking quashing of FIR and subsequent proceedings thereto, I do not have any objection if the FIR mentioned above is quashed along with subsequent proceeding thereto and accused is acquitted.”

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

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 well as the law laid down in ***Gold Quest International Private Limited's case (supra)***, the present petition is allowed and the FIR No.87 dated 04.06.2018 under Section 498-A I.P.C. registered at Police Station Nagal, District Rupnagar (Ropar) (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 13.08.2018 (Annexure P-2).

August 09, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No