

293.

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

CRM-M-25682-2019

Date of decision: 21.08.2019

VISHAL JAIN AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab,
for respondent No.1.

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 F.I.R. No.0009 dated 01.09.2018 registered under Sections 406/498-A of IPC at Police Station Women, District Ludhiana (Rural) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement dated 20.02.2019 (Annexure P-2).

This Court vide order dated 31.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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 learned Judicial Magistrate Ist Class, Jagraon 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 has been effected between the parties voluntarily.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Sonali Jain but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 03.07.2019. The same is reproduced as under:-

“Stated that an FIR No.9 dated 01.09.2018 u/s 406/498A of IPC, PS Women Cell, Jagraon, Ludhiana (R), lodged on my statement against accused Vishal Jain S/o Vinod Jain and Veena Jain Wd/o Vinod Jain, both resident of Village Haibowal, Tehsil & Distt. Ludhiana. I have compromised the matter with all accused and the settlement agreement dated 20.02.2019 is Ex.A1. The said compromise is voluntarily and without any coercion or undue influence. The petition u/s 13(B)HM Act has also been jointly filed in the Family Court, Jagraon. Self attested photocopy of Aadhar Card of Sonail Jain is Ex.A2. I have no objection if the present FIR is quashed against all the accused.”

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 FIR.

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.0009 dated 01.09.2018 registered under Sections 406/498-A of IPC at Police Station Women, District Ludhiana (Rural) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement dated 20.02.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

21.08.2019
sanjeev

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