

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

276

CRM-M-25105-2019

Date of Decision:25.09.2019

Sukhpal

.....Petitioner

Versus

State of U.T. Chandigarh and another

.....Respondents

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

**Present: Mr. Dinesh Maurya, Advocate,
for the petitioner.**

Mr. Manish Jain, APP, U.T., Chandigarh.

**Ms. Amanpreet Sandhu, Advocate,
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.0076 dated 27.09.2018 under Sections 406, 498-A IPC, registered at Police Station Women, Sector-17, Chandigarh(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 08.04.2019 (Annexure P-2).

This Court vide order dated 29.05.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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 1st Class, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 12.09.2019 to the effect that the compromise effected

between the parties seems to be genuine and voluntary, which is not the result of any pressure, coercion or undue influence.

Respondent No.2-complainant, namely, Sarita, has made a statement with regard to compromise before learned Magistrate on 24.07.2019. The same is reproduced as under:-

“Stated that the present FIR No.76 dated 27.09.2018 in Women Police Station, Sec-17, Chandigarh under Section 406, 498-A IPC was registered against the accused person namely Sukhpal, i.e. the present petitioners on my statement. Now I have compromised the matter with the above-said accused person with the intervention of the respectables vide compromise deed, the copy of which is Ex.C1. I have entered into the said compromise with my own free will without any coercion or any pressure and today I have given my statement voluntarily, without any pressure or coercion. I have no objection if FIR No.76 dated 27.09.2018 in Women Police Station Sec-17, Chandigarh under Section 406, 498-A IPC be quashed qua the above said accused person. Copy of my identity card is Ex.C2. Further, compromise effected between me and accused is not having any adverse effect on the rights of any third party. I identify accused Sukhpal present in the Court today. ”

At this stage, learned counsel for respondent No.2 states that the petitioner has filed a criminal complaint No.3515/2018 titled as “Sukhpal Versus Krishan Pal Singh and others”, which is pending in the Court of Judicial Magistrate 1st Class, Saharanpur under Sections 323, 452, 504, 506 IPC, Police Station Kotwali Nagar, Saharanpur and in terms of the compromise, he has to withdraw that complaint.

Since the parties have accepted the compromise-deed dated 08.04.2019 (Annexure P-2), there is no dispute about its execution.

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 and FIR No.0076 dated 27.09.2018 under Sections 406, 498-A IPC, registered at Police Station Women, Sector-17, Chandigarh(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 08.04.2019 (Annexure P-2).

The parties shall remain bound by the terms and conditions of the compromise(Annexure P-2). If either of the parties would violate the terms & conditions of the compromise, he/she shall be amenable to the contempt proceedings.

September 25, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No