

287.

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

CRM-M-31923-2019

Date of decision: 13.11.2019

PARDEEP

... Petitioner

versus

UNION TERRITORY, CHANDIGARH AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jagdeep Singh Rana, Advocate,
for the petitioner.

Mr. Rajiv Vij, APP, UT, Chandigarh.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0048 dated 25.02.2019 registered under Sections 406/498-A of IPC at Women Police Station, Sector 17, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/petition under Section 13-B of Hindu Marriage Act, 1955 (Annexure P-2).

This Court vide order dated 26.07.2019 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, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 04.11.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any pressure, coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Reena but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 20.09.2019. The same is reproduced as under:-

“Stated that the present FIR bearing No.48 dated 25.02.2019, under Section 406, 498-A of IPC, PS Women Sec-17, UT, Chandigarh was registered against the accused namely Pardeep i.e. the present petitioner, on my statement. Now I have compromised the matter with the above-said accused person with the intervention of the respectable. 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 bearing No.48 dated 25.02.2019, under Section 406, 498-A of IPC, PS Women Sec-17, UT, Chandigarh, be quashed qua the above said accused. 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.

As per the compromise I have already received Rs.50,000/- in petition under Section 13-B of Hindu Marriage Act pending before the Court of Ms. Manisha Jain, ADJ, Chandigarh. Remaining amount of Rs.50,000/- is to be paid on recording of statement on second motion in petition.”

Learned counsel appearing on behalf of UT, Chandigarh has not

disputed the factum of compromise between the parties.

In view of above, the matter having been compromised between the parties, 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.0048 dated 25.02.2019 registered under Sections 406/ 498-A of IPC at Women Police Station, Sector 17, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/petition under Section 13-B of Hindu Marriage Act, 1955 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.11.2019
sanjeev

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