

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

CRM-M-33896 of 2019.

Decided on:- December 03, 2019.

Yashu Mehra.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.

Mr. Chetan Bansal, 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.31 dated 27.05.2018 under Sections 406 and 498-A IPC registered at Police Station Women, Amritsar, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of joint petition under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-2).

This Court vide order dated 21.08.2019 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 Judicial Magistrate 1st Class, Amritsar and got their statements recorded in support of the compromise on 24.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 26.09.2019 to the effect that the compromise is genuine, voluntarily made, without any threat, coercion and out of free will of the parties.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Priyanka. She has already made a statement in support of compromise before learned Magistrate on 24.09.2019, which reads as under:

“That the said FIR 31/27.05.2018 u/s 406, 498 of IPC, PS Women, Amritsar has been registered against Yashu Mehra my husband at my statement.

Now with the intervention of the respectables a compromise has been effected between me and accused namely Yashu Mehra and we have jointly filed a petition u/s 13-B of Hindu Marriage Act 1955 which is pending in the Family Court at Amritsar and is fixed for recording of our final statement on dt. 02.01.2020. The compromise has been effected without any pressure, undue influence or without any coercion. Terms and condition have been settled in the divorce petition. In the present case I am the complainant and no person is a proclaimed offender. Our compromise is genuine, voluntarily and without any pressure, undue influence or without any coercion. I have no objection if the FIR in question may be quashed on account of arriving of a compromise between us.”

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, a joint petition seeking decree of divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955 has already been filed by the petitioner-husband and respondent No.2-wife. In the said petition, statements of first motion have been recorded and the petition is now fixed before the family Court on 02.01.2020 for recording their statements on second motion.

The aforesaid fact has not been disputed by learned counsel for respondent No.2-complainant. Power of attorney filed on behalf of the complainant in Court, is taken on record.

Learned State counsel also does not dispute the factum of compromise between the parties.

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.31 dated 27.05.2018 under Sections 406 and 498-A IPC registered at Police Station Women, Amritsar, District Amritsar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise by way of joint petition under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-2).

It is made clear that the parties shall adhere to the terms and conditions of the compromise in its letter and spirit. In case any party withdraws from the compromise, the other party would be at liberty to seek revival of the present petition.

December 03, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No