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

CRM-M-18887-2019

Date of decision: 26.02.2020

RAM KUMAR AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Subhash Kumar, Advocate,
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab,
for respondent No.1.

Mr.B.S. Randhawa, Advocate, for
Mr. Vishavdeep Singh Rana, 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 F.I.R. No.76 dated 09.06.2016 registered under Sections 406/498-A of IPC at Police Station Women Cell, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.04.2019 (Annexure P-2).

This Court vide order dated 26.08.2019 had directed the parties to appear before the court below 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, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 01.11.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any threat, duress or coercion.

Respondent No.2-complainant, namely, Teena has made her statement with regard to compromise before learned Magistrate on 09.09.2019. The same is reproduced as under:-

“Stated that first information report was lodged by me against accused Ram Kumar, Rajo, Rajinder Kumar, Taro, Sukhwinder Kumar, Anu, Pinki and Paramjit. Now compromise has been effected between me and accused persons which is Ex.C1. Therefore, I have no objection if first information report alongwith other subsequent proceedings may be quashed and quashing proceedings pending before the Hon'ble Punjab and Haryana High Court may be allowed. I have made this statement voluntarily and without any pressure, coercion or any undue influence. I have brought my Aadhar card with me and photocopy of same is Ex.C-2. ”

Learned counsel for the petitioners states that the matter has been compromised between the parties and even a decree of divorce under Section 13-B of Hindu Marriage Act has been granted in favour of the parties. He has produce certified copy of decree of divorce, dated

23.10.2019, which is taken on record.

Learned counsel for respondent No.2 does not dispute the aforesaid fact and fairly admits the very factum of compromise.

Learned State counsel also does not dispute 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.76 dated 09.06.2016 registered under Sections 406/ 498-A of IPC at Police Station Women Cell, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 09.04.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the

Poor Patients’ Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

26.02.2020
sanjeev

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