

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

CRM-M-28271 of 2020.

Decided on:- September 17, 2020.

Gautam Bansal and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Chetan Bansal, Advocate
for the petitioners.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.72 dated 19.02.2020 under Section 498-A read with Section 34 IPC registered at Police Station Division 8, District Police Commissionerate, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 08.09.2020 (Annexure P-2) and affidavit (Annexure P-3).

Learned counsel for the petitioners submits that the matter has been compromised between the parties and a compromise deed dated 08.09.2020 (Annexure P-2) has also been reduced into writing. The respondent No.2-complainant has no objection in case the FIR in question is

quashed by this Court. Respondent No.2 has also furnished an affidavit (Annexure P-3) in support of the compromise. Though no date is written on the affidavit (Annexure P-3), but it was executed on 08.09.2020.

He further submits that in view of the compromise, a joint petition under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by way of mutual consent has been filed by petitioner No.1 Gautam Bansal and respondent No.2 Anu Aggarwal before the family Court, Ludhiana, wherein the statements at first motion have also been recorded and the case is now fixed for recording second motion statements on 06.04.2021.

Notice of motion.

On asking of this Court, Mr. Amit Mehta, Senior D.A.G., Punjab accepts notice on behalf of respondent No.1-State.

At this stage, Ms. Arti Kaur, Advocate has put in appearance and accepts notice on behalf of respondent No.2-complainant. She fairly admits the factum of compromise so entered between the parties as well as the affidavit (Annexure P-3) furnished by respondent No.2. She further submits that since the matter has been compromised between the parties, respondent No.2 has no objection in case the FIR in question is quashed qua the petitioners.

I have heard learned counsel for the parties.

Though usually this Court has adopted the practice of referring the parties to appear before the Illaqa Magistrate/trial Court so as to get their statements recorded in support of the compromise, but in view of COVID-19 pandemic, it is not feasible as the Courts are not working on regular basis.

Therefore, considering the fact that the present is a matrimonial dispute

between the parties and the counsel for respondent No.2-complainant has no objection in quashing of the FIR in question qua the petitioners, rather, she has admitted the factum of compromise as well as the affidavit (Annexure P-3) furnished by respondent No.2 in support of compromise, this Court finds that there is no impediment in quashing of the FIR in question qua the petitioners. In fact, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners 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.72 dated 19.02.2020 under Section 498-A read with Section 34 IPC registered at Police Station Division 8, District Police Commissionerate, Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 08.09.2020 (Annexure P-2) and affidavit (Annexure P-3), however, subject to

payment of total costs of Rs.50,000/- to be deposited by the petitioners with Shree Atam Manohar Jain, Charitable Foundation, Karnal, bank account No.2046101058651, Canara Bank, Main Branch Karnal, IFSC Code CNRB0002046 within a period of two months from today.

September 17, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No