

238.

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

**CRM-M-30532-2020**

Date of decision: 09.12.2020

GAURAV PARMAR AND ANR.

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

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

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Present: Mr. Paras Chugh, Advocate, for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab, for respondent No.1.

None for respondent No.2.

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**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 F.I.R. No.24 dated 31.01.2019 registered under Sections 498-A & 406 of IPC at Police Station City Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 04.02.2020 (Annexure P-2).

This Court vide order dated 30.09.2020 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 Chief Judicial Magistrate, Hoshiarpur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.11.2020 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Urvashi but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 04.11.2020. The same is reproduced as under:-

*“Stated that present FIR was registered against the accused namely Gaurav Parmar s/o Thakur Sudhir Singh Parmar and Yudhvir Parmar s/o Thakur Sudhir Singh Parmar on my statement. Now I have effected a compromise with my own free will and without any pressure. Now I am having no objection if accused is discharged/acquitted. Today I have received my interim maintenance amount in another case pending before the court of Ld. Family Court Hoshiarpur in our joint petition filed under Section 13-B Hindu Marriage Act. Now nothing is due against my husband regarding my maintenance. I have no objection if the quashing petition filed by the accused before Hon'ble Punjab & Haryana High Court, Chandigarh is accepted.”*

Learned State counsel has 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 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.24 dated 31.01.2019 registered under Sections 498-A & 406 of IPC at Police Station City Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 04.02.2020 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the High Court Bar Association in the Lawyers' Welfare Fund, within one month from today.

(HARI PAL VERMA)  
JUDGE

09.12.2020  
sanjeev

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