

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-29651 of 2019

Date of Decision: 13.03.2020

Sandeep

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Rohit Sapehiya, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Kamal Kumar, 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.08 dated 02.02.2017 under Sections 498-A and 406 IPC registered at Police Station Women Cell, District Jalandhar (Rural) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/statement (Annexure P-2).

This Court vide order 15.07.2019 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the

genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. Learned Magistrate has forwarded her report dated 18.10.2019 to the effect that the compromise arrived at between the parties is genuine and voluntary and the same is not the result of any pressure, coercion or undue influence.

The statement of the complainant-Veena recorded on 29.07.2019 reads as under:-

“Stated that I am resident of above said address and an FIR no.8 dated 02.02.2017 under Sections 406, 498-A IPC PS Women Cell, Jalandhar was registered against the Sandeep on my statement. The matter has been compromised with the above said accused namely Sandeep with the help of respectable of the society. Even the parties have preferred petition U/s 10-A of Divorce Act, 1869 and the same has been allowed by the court of Ms. Preeti Sahni, Principal Judge, Family Court vide order dated 02.07.2019. I have no objection, if the above said FIR/case be quashed. The above said compromise is genuine, voluntary and without coercion or undue influence. None of the accused is proclaimed offender in this case. I am giving my statement without any undue influence and the same is with my free consent. Today I have brought my original Adhar Card and copy of the same is Ex.PA.”

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

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties and no useful purpose would be served to continue with the proceedings in the instant FIR.

Hon'ble the Apex Court in **Gold Quest International Private**

Ltd. vs. 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.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1352 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2013)13 SCC 303 and **Gold Quest International Private Ltd.** (*supra*), this petition is allowed and FIR No.08 dated 02.02.2017 under Sections 498-A and 406 IPC registered at Police Station Women Cell, District Jalandhar (Rural) (Annexure P-1) and the subsequent proceedings arising therefrom are quashed *qua* the petitioner, on the basis of compromise/affidavit (Annexure P-2). However, this will be subject to payment of costs of Rs.7,500/-, which shall be paid by the petitioners in the Lawyers Welfare Fund of Punjab and Haryana High Court Bar Association.

March 13, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No