

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

289

CRM-M-30616-2019

Date of Decision:17.03.2020

Harbhagwan and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: None for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

None for respondent Nos.2 and 3.

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HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.114 dated 12.09.2018 under Sections 406, 498-A, 307, 342, 323, 506, 34 IPC, registered at Police Station City Jalalabad, District Fazilka(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 15.07.2019(Annexure P-2).

Since no one is present on behalf of the parties and it being a matrimonial dispute, no prejudice is going to be caused to the parties as the matter has been compromised between them.

This Court vide order dated 19.07.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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, the parties have appeared

before learned Sub Divisional Judicial Magistrate, Jalalabad and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.11.2019 to the effect that the compromise effected between the parties is voluntary, genuine and without any coercion or threat.

Though no one is present on behalf of complainant-respondent No.2-Palak in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 01.08.2019. The same is reproduced as under:-

*“Stated that an FIR No.114 dated 12.09.2018, under Sections 406, 498-A, 307, 342, 323, 506, 34 IPC of 1860, Police Station Jalalabad City, District Fazilka, has been lodged on my statement against the accused/petitioners-Harbhagwan, Asha Rani, Ajay Kumar and Manish Kumar. I have entered into compromise with abovesaid accused/petitioners with my own free will, without any coercion or threat from anyone. I have not been declared as proclaimed offender by any court. I have no objection if the above said FIR i.e. FIR No.114 dated 12.06.2018, under Sections 406, 498-A, 307, 342, 323, 506, 34 IPC of 1860, Police Station Jalalabad City, District Fazilka registered against the above said accused/petitioners is quashed.”*

Apart from above, a similar statement has also been made by respondent No.3-Parmod Kumar Sachdev, whereby he has shown no objection to the present FIR being quashed.

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

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 when the disputes are substantially matrimonial in nature, or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes 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 of India.

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*, as approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303* also, in the light of *Gold Quest International Private Limited's case (supra)*, this petition is allowed and FIR No.114 dated 12.09.2018 under Sections 406, 498-A, 307, 342, 323, 506, 34 IPC, registered at Police Station City Jalalabad, District Fazilka(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 15.07.2019 (Annexure P-2), subject to payment of costs of ₹25,000/- to be paid by the petitioners, within a period of one month from today with **Govt. Multi Speciality Hospital, Sector-16, Chandigarh** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

**March 17, 2020**  
**seema**

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No