

248.

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

CRM-M-34551-2020

Date of decision: 22.12.2020

HARISH KUMAR

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Parminder Singh Kanwar, Advocate,
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab,
for respondent No.1.

Mr. Amit Arora, Advocate,
for respondent No.2.

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.179 dated 03.11.2019 registered under Sections 498-A and 406 of IPC at Police Station Garhshankar, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.10.2020 (Annexure P-2).

This Court vide order dated 29.10.2020 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 Sub Divisional Judicial Magistrate, Garhshankar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 01.12.2020 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any pressure or coercion.

Respondent No.2-complainant, namely, Tammana has made her statement with regard to compromise before learned Magistrate on 25.11.2020. The same is reproduced as under:-

“Stated that the aforesaid FIR was got registered by me against the accused/petitioner Harish Kumar aged about 31 years S/o Sardari Lal R/o Bassi Bazid Hohiarpur. Though I had moved an application against many persons before the SSP Hoshiarpur above mentioned FIR had been registered against only one person i.e. Harish Kumar above mentioned. With the intervention of the respectable of the village, I have effected compromise with the accused/petitioner Harish Kumar with my free will and without any kind of pressure or influence. I placed on record original compromise Ex.C1 which bears my signature. We have already filed petition U/s 13-B Hindu Marriage Act at Family Court Hoshiarpur. On the basis of compromise, petitioner/accused Harish Kumar has filed petition bearing number CRM-M-34551 of 2020 before the Hon’ble Punjab and Haryana High Court at Chandigarh for quashing the said FIR in which next date of hearing is 22.12.2020. I have no objection if the FIR is quashed against the accused/petitioner Harish Kumar. ”

Learned State counsel as well as learned counsel for respondent

No.2 have 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.179 dated 03.11.2019 registered under Sections 498-A and 406 of IPC at Police Station Garhshankar, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 19.10.2020 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

22.12.2020
sanjeev

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