

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

271

CRM-M-31689-2019

Date of Decision:20.01.2020

Amandeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. N.S. Chahal, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. G.S. Simble, Advocate for
Mr. H.R. Bhardwaj, 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.107 dated 19.07.2015 under Sections 498-A, 406, 506 IPC, registered at Police Station Bagha Purana, District Moga(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 02.07.2019(Annexure P-2).

This Court vide order dated August 29, 2019 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, Baghapurana and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.12.2019 to the effect that the compromise effected between the parties is genuine and valid.

Respondent No.2-complainant, namely, Amandeep Kaur, has made a statement with regard to compromise before learned Magistrate on 14.10.2019. The same is reproduced as under:-

“Stated that I have lodged the above noted FIR against the accused regarding harassment. As the FIR was lodged by me, with the intervention of the respectables there arrived a compromise between myself and the accused. Now I do not want to proceed with the present case and I do not want to take any action against the accused present in the court. I have no objection in case the quashing proceeding pending in the Hon'ble Punjab & Haryana High Court be accepted and the FIR be quashed. The compromise has been effected without any pressure or compulsion and with our free will. Today I have suffered my statement in court without any undue influence.”

Learned counsel for the petitioner states that in terms of the compromise, petition under Section 13-B of the Hindu Marriage Act has been filed. Pursuant thereto, decree of divorce has been granted in favour of the parties.

This fact is not disputed by learned counsel for respondent No.2. He submits that respondent No.2 has no objection if the FIR is quashed.

It being a matrimonial matter, learned State Counsel has no serious contest in the case.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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.107 dated 19.07.2015 under Sections 498-A, 406, 506 IPC, registered at Police Station Bagha Purana, District Moga(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 02.07.2019(Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioner, within a period of one month from today with the **Bar Association** of this Court.

January 20, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No