

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

257

CRM-M-36200-2019

Date of Decision: 09.01.2020

Charlas and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Prateek Sodhi, Advocate,
for the petitioners.**

**Ms. Ruchika Sabharwal, AAG, Punjab,
for respondent No.1.**

None 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.287 dated 01.11.2018 under Sections 406, 498-A IPC and Section 4 of Dowry Prohibition Act, registered at Police Station City, Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.07.2019 (Annexure P-2).

This Court vide order dated 30.08.2019 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 Chief Judicial Magistrate, Tarn Taran and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 03.10.2019 to the effect that the compromise appears to be genuine, voluntary and without any coercion or undue influence.

Though no one is present on behalf of the complainant-respondent No.2-Razia 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 03.10.2019. The same is reproduced as under:-

“Stated that I have amicably settled the matrimonial dispute with the accused party with the intervention of respectables. I have no objection if the FIR is quashed by the Hon'ble High Court. The compromise have been arrived without any undue influence, coercion and is voluntary and genuine. The total number of accused is 04 and the accused present in the court are only accused of the case and there is no any proclaimed offender.”

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 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.287 dated 01.11.2018 under Sections 406, 498-A IPC and Section 4 of Dowry Prohibition Act, registered at Police Station City, Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.07.2019 (Annexure P-2) are hereby quashed qua the petitioners, subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with **Pingalwara Charitable Society, Amritsar.**

January 09, 2020

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No