

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

275

CRM-M-37169-2019

Date of Decision:20.01.2020

Deepak and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. B.S. Bhinder, Advocate,
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

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.48 dated 28.02.2019 under Sections 498-A, 354-A IPC, registered at Police Station Ajnala, District Amritsar (Rural) (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 06.07.2019(Annexure P-2).

This Court vide order dated September 04, 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 Addl. Civil Judge (Sr.Divn.)-cum-Sub Divisional Judicial Magistrate, Ajnala and got their statements recorded. On the basis of the

statements so recorded, learned Magistrate has submitted report dated 22.11.2019 to the effect that the matter has been compromised with the free and voluntary consent of the parties.

Though no one is present on behalf of complainant-respondent No.2-Shakshi 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 18.10.2019. The same is reproduced as under:-

“Stated that I have compromised the matter with the accused persons namely Deepak son of Satpal, Veena wife of Satpal and Satpal son of Om Parkash, residents of H.N.773, ward no.7, Islamabad, Dhobi Ghat wali gali, Tibri Road, Hanuman Chowk Opp. Patrol Pump, Gurdaspur and Ashok Kumar son of Daya Parshad, resident of H.N.78, ward no.5, Sangalpura Road, near Amar Tent House, Gurdaspur in FIR No.48 dated 28.02.2019, U/s 498-A/354-A IPC, PS Ajnala, Amritsar. The compromise has been effected between me and the above said accused persons with the intervention of the respectables and relatives. The compromise is genuine and voluntary one and without any coercion or undue influence. There is no other complaint given by me against the above said accused person in any police station. I have no objection, if FIR No.48 dated 28.02.2019, U/s 498-A/354-A IPC, PS Ajnala, Amritsar, be quashed. I made my statement voluntarily. Photocopy of my aadhar card is attached as Ex.R1 (original seen and returned).”

Learned counsel for the petitioner has informed this Court that in the terms of the compromise, parties have approached the matrimonial court for grant of decree of divorce in proceedings under Section 13-B of the Hindu Marriage Act and the case is pending for recording statements of the parties at second motion stage.

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.48 dated 28.02.2019 under Sections 498-A, 354-A IPC, registered at Police Station Ajnala, District Amritsar (Rural) (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 06.07.2019(Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the **Bar Association** of this Court.

January 20, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No