

259.

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

CRM-M-38457-2019

Date of decision: 29.01.2020

MANDEEP KUMAR AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. C.L. Sharma, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, 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 F.I.R. No.14 dated 12.01.2016 registered under Sections 406, 498A, of IPC at Police Station City Kharar, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 07.08.2019 (Annexure P-2).

This Court vide order dated 10.09.2019 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 Judicial Magistrate Ist Class, Kharar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.11.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily and out of free will of the parties.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Mamta but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 13.11.2019. The same is reproduced as under:-

“Stated that I have compromised the matter with the accused person namely Mandeep Kumar son of Jaswant Kumar, Jaswant Kumar son of Megh Raj and Kiran Bala wife of Jaswant Kumar all resident of village Amrali Tehsil Chamkaur Sahib Distt. Rupnagar in FIR No.14 dated 12.01.2016 u/s 406, 498 A IPC at PS City Kharar Distt SAS Nagar Mohali. I am having the photocopy of that compromise and the copy of the same is Ex.CX. Compromise was reduced in writing. I compromised the matter with my consent and free will without any coercion or pressure of anyone. I have no objection if the above mentioned FIR be quashed. The photocopies of our Aadhar card are Ex.P1.”

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 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.14 dated 12.01.2016 registered under Sections 406, 498A, of IPC at Police Station City Kharar, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 07.08.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

29.01.2020

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