

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

269

CRM-M-38898-2019

Date of Decision:27.01.2020

Amit Sharma

.....Petitioner

Versus

State of UT Chandigarh and another

.....Respondents

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

Present: Mr. Gurdial Singh Jaswal, Advocate,
for the petitioner.

Mr. Amit Kumar Goyal, APP, UT, Chandigarh.

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.23 dated 21.11.2015 under Sections 406, 498-A IPC, registered at Police Station Women, Chandigarh(Annexure P-1) and all the consequential proceedings arising therefrom including challan dated 23.05.2016(Annexure P-2) on the basis of compromise dated 29.07.2019 (Annexure P-3).

This Court vide order dated 12.09.2019 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 1st Class, Chandigarh and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 01.11.2019 to the effect that the compromise effected between the parties seems to be genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements given by the complainant as well as accused are not the result of any pressure and coercion.

Though no one is present on behalf of complainant-respondent No.2-Shilpy Sharma 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 31.10.2019. The same is reproduced as under:-

“Stated that a compromise was arrived between me and my husband Amit Sharma, who is accused in the present case. The compromise was mutually effected between us with free will and without any fear and pressure. On the basis of compromise, we have already filed petition for mutual divorce u/s 13-B of Hindu Marriage Act. The compromise is Ex.C1. As per compromise, I have no objection, if the present FIR be quashed.”

Learned State counsel has not disputed the factum of compromise between the parties and states that the proceedings under Section 13-B of the Hindu Marriage Act have also been finalized 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.23 dated 21.11.2015 under Sections 406, 498-A IPC, registered at Police Station Women, Chandigarh(Annexure P-1) and all the consequential proceedings arising therefrom including challan dated 23.05.2016(Annexure P-2) are hereby quashed qua the petitioner on the basis of compromise dated 29.07.2019(Annexure P-3), subject to payment of costs of ₹5,000/- to be paid by the petitioner, within a period of one month from today with the **Bar Association** of this Court.

January 27, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No