

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

265

CRM-M-38738-2019

Date of Decision:27.01.2020

Kamal

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Bhrigu Dutt Sharma, Advocate,
for the petitioner.**

Ms. Ruchika Sabharwal, AAG, Punjab.

**Mr. Pawan Sharma, 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.33 dated 31.03.2016 under Sections 406, 498-A IPC, registered at Police Station Women Cell, Jalandhar(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 07.09.2019(Annexure P-2).

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, Jalandhar and got their statements

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

submitted report dated 30.11.2019 to the effect that the compromise effected between the parties is genuine, voluntary and without any threat, duress or coercion.

Respondent No.2-complainant, namely, Kumari Jeewan Gill, has made a statement with regard to compromise before learned Magistrate on 31.10.2019. The same is reproduced as under:-

“Stated that the present FIR was got registered by me against the accused Vikas Sabharwal and Kamal only. Now I have compromised the matter with both the above mentioned accused. The photocopy of written compromise is Ex.PA over which I identify my signatures. I have no objection if both accused may be acquitted and FIR may be quashed and quashing proceedings pending before the Hon'ble Punjab and Haryana High Court may be allowed. I have made this statement voluntarily and without any pressure, coercion or any undue influence. I have brought my Aadhaar card today in the Court and self attested copy of same is Ex.C1.”

Learned State counsel as well as learned counsel for respondent No.2 have 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

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.33 dated 31.03.2016 under Sections 406, 498-A IPC, registered at Police Station Women Cell, Jalandhar(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 07.09.2019(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 Poor Patients' Welfare Fund of **Post Graduate Institute of Medical Education and Research, Chandigarh.**

January 27, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No