

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

CRM-M-38999 of 2019.

Decided on:- February 28, 2020.

Sunil Kumar Sharma and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- None for the petitioners.

Mr. Hittan Nehra, Addl. A.G., Punjab.

None for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.59 dated 25.07.2013 under Sections 406 and 498-A IPC registered at Police Station Women Cell, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of statements made by the petitioner No.1 and respondent No.2 before learned Additional District Judge, Patiala in a petition under Section 13-B of the Hindu Marriage Act, 1955.

This Court vide order dated September 13, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties had appeared before learned Judicial Magistrate 1st Class, Patiala and got their statements recorded

on 18.11.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 21.11.2019 to the effect that the compromise has been effected between the parties without any undue influence, coercion or pressure and the same is outcome of their free will and volition.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Bhawna Sharma. Though no one has put in appearance on her behalf, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of compromise on 18.11.2019 which reads as under:

“Stated that matter has been compromised between me and my husband Sunil Kumar. Decree on divorce has been passed by the Hon’ble Court of Sh. Harish Anand Id. Additional Principal Family Court. Therefore, quashing petition filed by accused on the basis of compromise between us before Hon’ble Punjab & Haryana High Court, Chandigarh. The compromise has been executed between us without any force, coercion and without any pressure and threat. The quashing petition may be allowed and FIR against us be quashed.”

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, it being a matrimonial dispute and the matter has been compromised between the parties, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

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 well as the law laid down in ***Gold Quest International Private Limited's case (supra)***, the present petition is allowed and the FIR No.59 dated 25.07.2013 under Sections 406 and 498-A IPC registered at Police Station Women Cell, District Patiala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of statements made by the petitioner No.1 and respondent No.2 before learned Additional District Judge, Patiala in a petition under Section 13-B of the Hindu Marriage Act, 1955.

February 28, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No