

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

292

CRM-M-41797-2019

Date of Decision:24.02.2020

Vishal Sharma and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

None for respondent No.2.

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HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.141 dated 29.05.2015 under Sections 406, 498-A IPC and Section 4-B of the Dowry Prohibition Act, 1961, registered at Police Station Jandiala Guru, Amritsar Rural(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-deed dated 18.09.2019(Annexure P-2).

This Court vide order dated 27.09.2019 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 1<sup>st</sup> Class, Amritsar and got their statements

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

submitted report dated 23.11.2019 to the effect that the compromise has been arrived at between the parties with their own free will and without any pressure or coercion or undue influence.

Though no one is present on behalf of respondent No.2-complainant-Gagandeep Kaur 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 22.11.2019. The same is reproduced as under:-

*“Stated that FIR No.141 dated 29.05.2015 under Section 406, 498-A of IPC and Section 4-B Dowry Prohibition Act, 1961, Police Station Jandiala Guru, Amritsar was got registered by me against Vishal Sharma and Kamini Sharma. I produce copy of my Aadhaar card which is Ex.C1. (Original seen and returned). I have entered into compromise with the aforesaid accused persons. The compromise is genuine, voluntary and without any coercion or undue influence. I am the only complainant/aggrieved of present case & no other person is aggrieved except me. I have no objection if both the accused are acquitted in the quashing petition.”*

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.141 dated 29.05.2015 under Sections 406, 498-A IPC and Section 4-B of the Dowry Prohibition Act, 1961, registered at Police Station Jandiala Guru, Amritsar Rural(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise-deed dated 18.09.2019(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 **Govt. Medical College, Amritsar** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

**February 24, 2020**  
**seema**

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No