

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

279

CRM-M-42811-2019

Date of Decision:27.02.2020

Mohan Lal Bagga @ Monu

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

**Present: Ms. Roja Agnihotri, Advocate,
for the petitioner.**

Mr. Hittan Nehra, Additional Advocate General, Punjab.

**Mr. Nihit Lomis, Advocate for
Mr. Ishan Bhardwaj, 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.35 dated 08.10.2016 under Sections 406, 498-A IPC, registered at Police Station Women, SAS Nagar, District Mohali (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 11.07.2019 (Annexure P-2).

This Court vide order dated 04.10.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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 Sub Divisional Judicial Magistrate, Kharar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 25.11.2019 to the effect that the parties have compromise the matter voluntarily and without any threat or any undue influence.

Respondent No.2-complainant, namely, Pooja Rani, has made a statement with regard to compromise before learned Magistrate on 06.11.2019. The same is reproduced as under:-

“Stated that I have compromised the matter in dispute with the accused namely Mohan Lal Bagga @ Monu aged about 35 years s/o Raj Pal Verma, r/o H. no. 10, UGALA, (244) Distt. Ambala, Haryana, out of my free Will without any coercion, inducement, threat or pressure. I have registered the FIR no. 35 dated 8.10.2016 U/s 406, 498-A IPC, PS Women Cell, Mohali, against the above named accused, but as now, the compromise has been effected between us, so, I have no objection if the above said FIR and the consequential proceedings are quashed against the above named accused person, in the interest of justice.”

Learned State counsel as well as learned counsel for respondent No.2-complainant 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 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.35 dated 08.10.2016 under Sections 406, 498-A IPC, registered at Police Station Women, SAS Nagar, District Mohali (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 11.07.2019(Annexure P-2).

February 27, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No