

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

CRM-M-44100 of 2019.

Decided on:- February 28, 2020.

Asif Akhtar and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Gulzar Mohd., Advocate
for the petitioners.

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

Mr. Rajesh Gupta, 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.41 dated 21.05.2019 under Sections 323, 342, 354, 354-B, 148, 149, 498-A and 406 IPC (Section 325 IPC added later on) registered at Police Station Bhargo Camp, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 26.09.2019 (Annexure P-2).

This Court vide order dated October 17, 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, Jalandhar and got their statements recorded on 28.11.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 03.12.2019 to the effect that the compromise effected between the parties is genuine and it is effected voluntarily without any pressure, coercion or undue influence from any quarter.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Danista. She has already made a statement before learned Magistrate in support of compromise on 28.11.2019 which reads as under:

“Stated that a case FIR No.41 dated 21.05.2019, under Section 323, 342, 354, 354-B, 148, 149, 498-A, 406, 325 IPC was lodged with the police Station Bhargo Camp, Jalandhar on the basis of complaint made by me against accused Asif Akhtar, Asim Akhtar, Amra Akhtar, Mussrat Jahan, Suleman Akhtar and Aqib Javed. A compromise has been effected between me and accused persons. The said compromise has been effected between us voluntarily without any pressure, threat or coercion with my own will. At present I am living with my husband Asif Akhtar. My identity proof which is a photocopy of Adhar Card is Ex.C1 (original seen and returned). I have no objection if the above said FIR be quashed against the accused persons.”

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, petitioner No.1

Asif Akhtar and respondent No.2-complainant Danista are staying together as husband and wife.

This fact has not been disputed by learned counsel for respondent No.2-complainant.

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

In view of the above, 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.41 dated 21.05.2019 under Sections 323, 342, 354, 354-B, 148, 149, 498-A and 406 IPC (Section 325 IPC added later on) registered at Police Station Bhargo Camp, District Jalandhar (Annexure P-1) and all consequential

proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 26.09.2019 (Annexure P-2).

February 28, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No