

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

275

CRM-M-45092-2019

Date of Decision:20.02.2020

Balwinder Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioner.

Ms. Mamta Devi-complainant in person.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.3 dated 05.01.2019 under Section 498-A IPC, registered at Police Station Mahilpur, District Hoshiarpur (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 01.10.2019(Annexure P-3).

No one is present on behalf of the petitioner. On account of untimely death of Dr. Jolly Sharma, Advocate, bar has decided to suspend the work in post lunch session. Since the present petition is for quashing of FIR on the basis of compromise, non-appearance is not going to cause any prejudice to the parties as the matter has been compromised between them.

This Court vide order dated 22.10.2019 had directed the parties to appear before the trial Court/Illaqa 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 Judicial Magistrate 1st Class, Garhshankar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.01.2020 to the effect that the compromise is genuine, voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Mamta Devi, has made a statement with regard to compromise before learned Magistrate on 29.11.2019. The same is reproduced as under:-

“Stated that the present FIR No. 03 dated 05.01.2019, under section 498-A IPC PS, Mahilpur was registered on my statement against accused Balwinder Kumar, age about 36 years son of Raj Kumar resident of House No. 2034/2, Sector 37-C, Chandigarh, presently residing at Flat no. 402, AL Owais Building, Jamal Abdul Nasir Street, Al Wahda, Sharjah (U.A.E.). Now with the intervention of respectables and friends, the matter has been compromised between the parties. I have effected the compromise with the said accused with my free will and without any coercion or pressure. The compromise is Mark C1. I have no objection if the FIR is quashed against accused/petitioner.”

The complainant 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.3 dated 05.01.2019 under Section 498-A IPC, registered at Police Station Mahilpur, District Hoshiarpur (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 01.10.2019(Annexure P-3), subject to payment of costs of ₹10,000/- to be deposited by the petitioner within a period of one month from today with the Poor Patients' Welfare Fund of the **Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh.**

February 20, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No