

233

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

CRM-M-39196-2020

Date of decision: 18.02.2021

Anish Joshi

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gobind Rai, Advocate,
for the petitioner.

Mr. Manreet Singh Nagra, A.A.G., Punjab.

Ms. Suman Bishnoi, Advocate,
for the respondent No.2.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.88 dated 26.06.2019 registered under Sections 498-A IPC, (the offence under Section 406 IPC was added later on) at Police Station City-1, Malerkotla (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of statement as well as compromise dated 10.09.2019 (Annexure P-3).

This Court vide order dated 26.11.2020 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 Sub Divisional Judicial Magistrate, Malerkotla and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.12.2020 to the effect that the compromise is genuine, voluntarily and without any coercion and undue influence.

Respondent No.2-complainant, namely, Isha Sharma has made her statement with regard to compromise before learned Magistrate on 21.12.2020. The same is reproduced as under:-

“Stated that above said FIR No.88 dated 26.06.2019 u/s 498-A, 406 of IPC, PS City 1 Malerkotla, District Sangrur was registered against the accused Anish Joshi son of Jagdeep Joshi resident of near Police Station Haibowal Kalan, house no. 8359, Durgapuri, Ludhiana. Now with the intervention of the elders and respectables, I have effected compromise dated 10.09.2019 with the above named accused with my own free will, voluntarily without any threat or coercion or undue influence. The compromise has been effected with the above said accused as the decree of divorce under Section 13-B of HMA dated 26.11.2020 has already been granted by the court of Ms. Manpreet Kaur, CJJD, Malerkotla. My claim has been fully satisfied and nothing is due against accused. So, the present FIR may kindly be quashed.”

Learned State counsel and learned counsel for respondent No.2 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 FIR.

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 also in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and F.I.R. No.88 dated 26.06.2019 registered under Sections 498-A IPC, (the offence under Section 406 IPC was added later on) at Police Station City-1, Malerkotla (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of statement as well as compromise dated 10.09.2019 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

February 18, 2021
mani

Whether speaking/reasoned?	Yes
Whether reportable?	No