

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

226

CRM-M-40760-2020

Date of Decision:17.03.2021

Sandeep Hans and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Ritesh Pandey, Advocate,
for the petitioners.**

Mr. Sarabjit Singh Cheema, AAG, Punjab.

None for 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 FIR No.38 dated 02.06.2019 under Sections 498-A, 323, 34 IPC, registered at Police Station Sekhwan Batala, District Batala (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 21.11.2020(Annexure P-2).

Learned counsel for the petitioners submits that the matter has been compromised between the parties and petitioner No.1 and respondent No.2 are residing together as husband and wife.

This Court vide order dated December 07, 2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court 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, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.03.2021 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Though no one is present on behalf of respondent No.2-complainant-Leesa @ Lisha 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 27.01.2021. The same is reproduced as under:-

“Stated that the present FIR bearing no.38 dated 02.06.2019 under Sections 498-A/323/34 of IPC was registered against the accused/petitioners namely Sandeep Hans son of Gulzar, Rekha d/o Gulzar, Gulzar son of Bashir Masih and Kashmiro wife of Gulzar all residents of Village Behbal Chak, Tehsil Batala, District Gurdaspur on my statement. Now I have compromised the matter with accused/petitioners with the intervention of the respectables vide compromise deed and the same is genuine and voluntary. Original compromise deed is attached with the petition filed before Hon'ble Punjab and Haryana High Court, Chandigarh. As the matter has been compromised between us, I have no objection if the FIR bearing no.38 dated 02.06.2019 under Sections 498-A/323/34 of IPC registered at Police Station Sekhwan, Batala, District Gurdaspur be quashed qua the above said accused/petitioners. I am giving my statement with my free will and without any coercion or undue influence. Copy of my identity card(Aadhar card) is Ex.-C1. Copy of compromise deed is Ex.-C6.”

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.38 dated 02.06.2019 under Sections 498-A, 323, 34 IPC, registered at Police Station Sekhwan Batala, District Batala (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 21.11.2020 (Annexure P-2).

March 17, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No