

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-34760 of 2015
Date of Decision: 17.11.2015

Sukhwant Singh & others

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Amit Mehta, Advocate
for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. B.R. Rana, Advocate
for the complainant.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.47 dated 6.5.2015 under Sections 498-A/406/120-B IPC registered at Police Station City Dhuri, District Sangrur on the basis of compromise dated 17.9.2015 (Annexure P-2).

This Court vide order dated 9.10.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa

Magistrate/trial Court was directed to submit its report regarding the genuineness of the compromise.

Pursuant to the aforesaid order dated 9.10.2015, the parties have appeared before Sub Divisional Judicial Magistrate, Dhuri and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 23.10.2015 to the effect that the compromise is genuine and the same has arrived at out of the free will of the parties without any coercion from any corner.

Learned counsel for the petitioner contends that pursuant to the aforesaid compromise, the parties are residing together as husband and wife and they have mutually agreed to resolve all the issues pending between them. In this manner, they have resumed cohabitation.

Learned counsel for the complainant has no objection to the FIR being quashed.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Hon'ble the Apex Court in **Gold Quest International Private Ltd. vs. 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.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.47 dated 6.5.2015 under Sections 498-A/406/120-B IPC registered at Police Station City Dhuri, District Sangrur is quashed, *qua* the petitioners, in view of compromise dated 17.9.2015 (Annexure P-2).

November 17, 2015
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(HARI PAL VERMA)
JUDGE