

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

CRM-M-42753 of 2014 (O&M).

Decided on:-10.12.2015.

Surinder Kaur @ Bholi and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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. R.G.S. Saini, Advocate
for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

None for respondent No.2.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.106 dated 12.8.2010 under Sections 498-A and 406 IPC registered at Police Station Dasuya, District Hoshiarpur (Annexure P-1) and order dated 14.11.2011 (Annexure P-3) whereby petitioner No.5 has been declared as proclaimed offender as well as all other consequential proceedings arising out from the aforesaid FIR on the basis of compromise dated 11.7.2014 (Annexure P-2).

This Court vide order dated 17.12.2014 while issuing notice of

motion to the respondents, had directed the parties to appear before the trial Court to get their statements recorded and the trial Court was directed to send its report regarding validity or otherwise of the compromise.

Learned counsel for the petitioners contends that pursuant to the aforesaid order dated 17.12.2014, the parties have appeared before the learned Judicial Magistrate 1st Class, Dasuya on 23.1.2015 and got their statements recorded in support of compromise (Annexure P-2). Learned counsel for the petitioners further submits that even a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 has been granted by learned Additional Sessions Judge, Mohali on 7.10.2015.

On the basis of the statements so recorded by the parties, learned Magistrate has submitted his report dated 11.2.2015 to the effect that the matter has been compromised between the parties through the intervention of the respectable and relatives, without any pressure or coercion and the compromise is genuine. All the grievances of the parties have been settled amicably.

Learned State counsel, on instructions from HC Bhupinder Singh, does not dispute the factum of compromise.

Though today nobody has put in appearance on behalf of respondent No.2-complainant Ramandeep Kaur, but no prejudice would be caused to her as she has already made the statement before the learned Magistrate on 23.1.2015 regarding the validity and genuineness of the

compromise, which reads as under:

“The above referred FIR was registered on the basis of my statement against Surinder Kaur @ Bholi, Malkit Kaur, Ranjit Kaur @ Rani, Amarjit Singh and Inderjit Singh. Now I have entered into a compromise with accused persons with my own free consent and with the intervention of the respectables and relatives. After the compromise there is no ill will between the parties and both the parties do not want to proceed with their case further and want to live peacefully. Both parties have agreed to withdraw cases in the different courts. It is further requested that compromise may kindly be accepted and I have no objection if the present FIR against the above said accused may kindly be quashed.”

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 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. Consequently, order dated 14.11.2011 (Annexure P-3) whereby petitioner No.5 has been declared as proclaimed offender is set aside and the F.I.R. No.106 dated 12.8.2010 under Sections 498-A and 406 IPC registered at Police Station Dasuya, District Hoshiarpur (Annexure P-1) as well as all other consequential proceedings arising therefrom is quashed, on the basis of compromise dated 11.7.2014 (Annexure P-2).

December 10, 2015
Yag Dutt

(HARI PAL VERMA)
JUDGE