

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

CRM-M-9680 of 2015.
Decided on:-02.11.2015.

Rupinder Singh.

.....Petitioner.

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. Navjeet Singh, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG, 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.11 dated 3.6.2014 under Sections 498-A, 494 and 417 IPC registered at Police Station Women Cell, Jagraon, District Ludhiana (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise dated 2.3.2015 (Annexure P-2).

This Court vide order dated March 26, 2015 had directed the parties to appear before the Illaqa Magistrate/trial Court on 8.4.2015 to get their statements recorded and the Illaqa Magistrate/trial Court was directed

to submit its report regarding genuineness of compromise. However, parties could not appear before the trial Court on 8.4.2015. Again vide order dated 8.5.2015, the parties were directed to appear before the trial Court on 25.5.2015 to get their statements recorded with regard to compromise/settlement.

Pursuant to the aforesaid order, the parties have appeared before learned Sub Divisional Judicial Magistrate, Jagraon and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted his report dated 22.9.2015 to the effect that the compromise has been arrived at between the parties voluntarily, without any pressure, coercion or undue influence.

The aforesaid fact as well as the compromise between the parties has not been disputed by learned State counsel.

Though today nobody has put in appearance on behalf of respondent No.2-complainant Jasdeep Kaur, but no prejudice would be caused to her she has already made the statement before the learned Magistrate on 19.9.2015 regarding the validity and genuineness of the compromise. In this regard, the order dated 19.9.2015 passed by learned Magistrate is being reproduced as under:

“Present: Sh. Hardip Singh, APP for the State.

Complainant Jasdeep Kaur in person.

Accused on bail with Sh. H.S. Grewal, Advocate.

Complainant Jasdeep Kaur has come present. Statements of complainant Jasdeep Kaur and accused Rupinder Singh have been recorded separately regarding the matter having been compromised between them with the intervention of respectables, as per directions received from Hon'ble High Court. This Court is satisfied that matter has been compromised voluntarily between the parties and that there is no pressure or coercion on any party to effect the compromise. Accordingly, report with regard to compromise effected between the parties be forwarded to Hon'ble High Court, where, matter is stated to be pending for 02.11.2015 (wrongly mentioned as 05.11.2015). Now, case is Adjourned for 21.11.2015 for awaiting further order of Hon'ble High Court.

Jaapinder Singh/SDJM/19.09.2015”

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 and F.I.R. No.11 dated 3.6.2014 under Sections 498-A, 494 and 417 IPC registered at Police Station Women Cell, Jagraon, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom is quashed, on the basis of compromise dated 2.3.2015 (Annexure P-2).

November 02, 2015
Yag Dutt

(HARI PAL VERMA)
JUDGE