

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

Criminal Misc. No. M-44027 of 2015

Date of Decision:-29.04.2016

Jatinder Singh 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. Sarju Puri, Advocate
for the petitioners.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

None for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.30 dated 20.3.2015 (Annexure P-1), under Sections 406 and 498-A IPC, registered at Police Station City, S.B.S. Nagar along with all consequential proceedings arising therefrom on the basis of compromise dated 18.12.2015 (Annexure P-2).

Vide order dated 1.3.2016, this Court had directed the parties to appear before the trial Court to get their statements

recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

Learned counsel for the petitioners submits that apart from the fact that the parties have appeared before the trial Court and recorded their statements, petitioner No.1-Jatinder Singh and respondent No.2-complainant-Nisha have reconciled the matter and are staying together as husband and wife in the matrimonial home along with the family.

In compliance of the order dated 1.3.2016, the parties have appeared before the learned Magistrate on 29.3.2016 for getting their statements recorded.

The report dated 31.3.2016 received from the learned Additional Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Nisha before the Additional Chief Judicial Magistrate, S.B.S. Nagar, on 29.3.2016 reads as under :-

“Stated that the present FIR bearing No.30 dated 20.3.2015, under Sections 406 and 498-A IPC of Police Station City, Nawanshahr (Shaheed Bhagat Singh Nagar) was registered against accused Jatinder Singh @ Ladi, Kishan Chand, Resham Kaur and Manjit Kaur on the basis of an application moved by me. The matter has been compromised with accused persons with the

intervention of the respectables of the locality. Thus, I have no objection, in case the FIR registered against accused persons be quashed and the accused persons be acquitted in the present case. The said compromise has been effected with the accused persons voluntarily and without any pressure.”

Learned State counsel also does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

The Hon'ble Supreme 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 vs. State of Punjab and another*** 2007(3) RCR (Crl.) 1052 (P & H) and approved by the Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab and others***, (2012)10 SCC 303, as well as judgment of Hon'ble Supreme Court in ***Gold Quest International Private Ltd. vs. State of Tamil Nadu and others***, 2014(4) RCR (Criminal) 206, this petition is ***allowed*** and FIR No.30 dated 20.3.2015 (Annexure P-1), under Sections 406 and 498-A IPC, registered at Police Station City, S.B.S. Nagar and the consequential proceedings arising therefrom are hereby quashed qua the petitioners.

April 29, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE