

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

CRM-M-4433 of 2015
Date of decision: 25.02.2016

Ramesh Kumar Bhagat

----Petitioner (s)

V/s

State of Punjab & others

-----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. Rahul Bhargava, Advocate for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Subhash Chand, Advocate for
Mr. Vaibhan Narang, Advocate for respondents
No. 2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.67 dated 03.06.1999, under Sections 363, 366 and 34 IPC, registered at Police Station Islamabad, District-Amritsar (Annexure P-1) as well as all the subsequent proceedings arising therefrom including the order dated 07.12.2001 (Annexure P-2) passed by learned Addl. Sessions Judge, Amritsar, whereby, the petitioner was declared as proclaimed offender, on the basis of compromise dated 16.01.2015 (Annexure P-3).

Learned counsel for the petitioner contends that during the pendency of the present petition, respondent No.2,namely,

Satpal, who was the author of the impugned FIR has died. He further submits that this Court vide order dated 20.10.2015 had directed the parties to appear before the Chief Judicial Magistrate/Illaq Magistrate, Amritsar on 30.11.2015 to get their statements recorded with regard to compromise and the learned Magistrate was directed to submit its report about the genuineness of the compromise.

Pursuant to the aforesaid order dated 20.10.2015, the parties have appeared before learned Chief Judicial Magistrate, Amritsar, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 02.01.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

Since respondent No.2, namely, Satpal, who was the author of the impugned FIR has died, his wife, namely, Shakuntala Devi has got recorded her statement in support of the compromise before the Magistrate on 30.11.2015, which reads as under:-

“Stated that Satpal was my husband who has since died on 3.5.2015. Photocopy of death certificate of Satpal is Ex. C1. My husband (since died) has got registered FIR no.67 dated 3.6.1999 under Sections 363/366/34 IPC Police Station Islamabad against accused Ramesh Kumar who is husband of daughter Sunita and now with the intervention of respectables, entire matter between me and the accused has been amicably settled. I have arrived at the compromise with the accused out of my free will and willful consent and there is no pressure or coercion upon me. My daughter Sunita alongwith her minor child is residing with her husband/accused happily in his house. There is no

other case pending except the present one. I have no objection if FIR no.67 dated 3.6.1999 under Sections 363/366/34 IPC Police Station Islamabad is quashed which has been registered by my husband.”

Apart from the above statement, whereby, Shakuntala Devi wife of Satpal (since deceased) has shown 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.

Learned counsel for the petitioner also submits that after the registration of the FIR, the petitioner and respondent No.3, namely, Sunita (daughter of the deceased-Satpal) are living happily as husband and wife and there are three children born out of this wedlock.

Learned counsel appearing for respondents No. 2 and 3 does not dispute the aforesaid fact and fairly conceded that respondent No.3-Sunita (daughter of the deceased-Satpal) is staying with the petitioner-Ramesh Kumar Bhagat, who is her husband.

Learned counsel for the State, on instructions from ASI-Ramesh Kumar, submits that he has no objection if the FIR in question is quashed on the basis of compromise effected between the parties.

I have heard learned counsel for the parties.

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**, as well as aforesaid judgement of Hon'ble the Apex Court in **Gold Quest International Private Ltd. (supra)**, this petition is allowed and FIR No.67 dated 03.06.1999, under Sections 363, 366 and 34 IPC, registered at Police Station Islamabad, District-Amritsar (Annexure P-1) as well as all the subsequent proceedings arising therefrom including the order dated 07.12.2001 (Annexure P-2) passed by learned Addl. Sessions Judge, Amritsar, whereby, the petitioner was declared as proclaimed offender, qua the petitioner, are quashed, in view of the compromise dated 16.01.2015 (Annexure P-3).

25.02.2016**Anjal****[HARI PAL VERMA]
JUDGE**