

242/A.

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

CRM-M-10110-2018

Date of decision:03.07.2018

BALWANT SINGH AND ANR

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. K.B.S. Mann, Advocate,
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab,
for respondent No.1.

Mr. Prateek Pandit, Advocate,
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.07 dated 24.01.2018 under Section 498-A IPC, registered at Police Station City-1 Mansa, District Mansa (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.02.2018 (Annexure P-2).

This Court vide order dated 19.03.2018 had directed the parties to appear before the trial Court/Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Mansa and got their statements recorded.

On the basis of the statements so recorded, learned Magistrate has submitted report dated 22.05.2018 to the effect that the compromise effected between the parties seems to be genuine with free consent, without any pressure, undue influence, coercion or fear.

In the case in hand, statement of complainant-Ratandeep Kaur was got recorded through her Special Power of Attorney who happens to be her father, namely, Nachhattar Singh. Said statement reads as under:-

“Stated that the respectable persons have got the matter between accused Balwant Singh and Jagseer Singh with the complainant compromised. Complainant does not want any action against accused persons in the present case due to compromise. Compromise has been effected by the complainant with free consent without any pressure, undue influence, coercion or fear upon her. Her grievance has been satisfied. She has no objection if the FIR no.07 of 24.01.2018 under sections 498-A IPC, PS City-I Mansa is quashed on the basis of compromise. Original compromise is already placed on file pending before the Hon'ble Punjab & Haryana High Court, Chandigarh.”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the statement and the execution of Special Power of Attorney so executed by Ratandeep Kaur.

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 the F.I.R. No.07 dated 24.01.2018 under Section 498-A IPC, registered at Police Station City-1 Mansa, District Mansa (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 12.02.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

03.07.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No