

CRM-M-12631-2018

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

CRM-M-12631-2018

Date of Decision: 28th March, 2018

Tajbir Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Navkiran Singh, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Gursimran Singh Bhatia, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.16 dated 09.11.2016, under Sections 498-A and 406 of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station N.R.I., District Amritsar City, (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of the compromise dated 12.03.2018 (Annexure P-2) entered into between the petitioner and respondent No.2-complainant.

It is the contention of the learned counsel for the petitioner that in the light of the compromise, which has been entered into between the parties, which came into existence because of the mediation and conciliation proceedings having been held between them in the Punjab and Haryana

High Court, the matter has been amicably resolved between Tajbir Singh son of Nawab Singh and Gurbinder Kaur, the complainant, having obtained divorce in Australia, where both of them are residing. They have finally decided to part ways and put an end to all the disputes between them which includes the present FIR, which was registered at the behest of respondent No.2-complainant Gurbinder Kaur daughter of late Hardayal Singh.

Counsel for respondent No.2-complainant acknowledges the factum of compromise, which has been entered into between the parties dated 12.03.2018 (Annexure P-2). He further states that ₹ 5,00,000/- have already been deposited in the account of respondent No.2-complainant today and she has also received a bank draft of ₹ 5,00,000/- in Court today. On receipt of the said amount of ₹ 10,00,000/-, the complainant has no claim whatsoever left out against the petitioner and she has no objection in case the FIR, which is the subject matter of the present case, is quashed as it was registered at her behest. Respondent No.2-Gurbinder Kaur is present in Court and accepted the statement as given by her counsel in Court today.

In the light of the fact that the matter has been amicably resolved and the compromise has been entered into between the parties during the mediation and conciliation proceedings held in this Court, which resulted in the compromise dated 12.03.2018 (Annexure P-2) and the conditions mentioned therein having been duly complied with, there is no reason the dispute having been amicably resolved should be allowed to continue especially when respondent No.2-complainant Gurbinder Kaur does not want to pursue the FIR against the petitioner. Although there were

allegations against the other persons as well but the FIR ultimately was got registered only against petitioner-Tajbir Singh. She, in any case, made a statement in Court that she does not want to pursue the case against the other persons also qua the allegations against them.

Keeping in view the compromise dated 12.03.2018 entered into between the parties and the fact that respondent No.2-complainant does not want to pursue the present FIR, which was recorded at her behest as also in the light of the ratio of latest judgment of the Hon'ble Supreme Court in *Criminal Appeal No.1723 of 2017*, titled as '*Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another*', decided on 04.10.2017 and in the judgment of *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* as also the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.16 dated 09.11.2016, under Sections 498-A and 406 of the Indian Penal Code, registered at Police Station N.R.I., District Amritsar City, (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

(AUGUSTINE GEORGE MASIH)
JUDGE

28th March, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No