

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

270

CRM-M-42994-2018(O & M)
Date of Decision:26.11.2018

Amritpal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the petitioners.

Mr. Nikhil Chopra, Addl. AG, Punjab.

None for respondent No.2.

MANOJ BAJAJ, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.43 dated 01.10.2015 for the offences punishable under Sections 498-A, 497 and 506 of the Indian Penal Code ('IPC' - for short) registered at Police Station Kotli Surat Mahi, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 10.09.2018 (Annexure P-2).

This Court vide order dated 28.09.2018 had directed the parties to appear before the trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate Ist Class, Batala and got their statements recorded. On the basis of the statements so recorded by the parties, learned

Magistrate has submitted her report dated 16.11.2018 to the effect that the parties have compromised the matter voluntarily and without any coercion or undue influence.

The factum of compromise between the parties has not been disputed by learned State counsel as well as learned counsel for respondent No.2-complainant.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that the statements of the parties have been recorded by learned Magistrate on 26.10.2018. The parties have stated therein that the matter has been compromised between them without any pressure. The petitioner and respondent No.2 are husband and wife and there is no dispute pending between the parties.

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. Resultantly, an FIR No.43 dated 01.10.2015 for the offences punishable under Sections 498-A, 497 and 506 IPC registered at Police Station Kotli Surat Mahi, District Gurdaspur (Annexure P-1), and all consequential proceedings arising therefrom are quashed qua petitioner on the basis of compromise dated 10.09.2018 (Annexure P-2).

Disposed off.

26.11.2018

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No