

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230

CRM-M-1334-2019

Date of Decision:12.04.2019

Jarnail Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Rohit Rana, Advocate for
Mr. Kunal Dawar, Advocate,
for the petitioner.**

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.40 dated 12.04.2014 under Section 498-A IPC, registered at Police Station Kartarpur, District Jalandhar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 27.09.2018 (Annexure P-2).

This Court vide order dated 15.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Jalandhar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 20.03.2019 to the effect that the parties have compromised the matter with their free consent and without any pressure, coercion, undue influence and inducement from any quarter. The said compromise seems to be genuine, voluntary and without any coercion or undue influence.

Though no one is present on behalf of respondent No.2 in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 20.02.2019. The same is reproduced as under:-

“Stated that I have compromised the present matter with accused Jarnail Singh, Dalbir Singh and Surjit Kaur who are my in laws family members. In view of the compromise I have already received the demand draft of Rs.4,50,000/- in my favour and we have also filed mutual consent divorce petition which is pending for 27.05.2019 and I have received all the dowry articles and Istri Dhan and nothing is due. As such, as per the compromise I have got no objection if the present FIR registered against my husband and my in laws family members is quashed by the Hon'ble Court. I have entered into compromise voluntarily, without any coercion or pressure or undue influence. Under these circumstances, I have left no grievance against my in laws family members. No accused in this FIR is a proclaimed offender. I have brought my original Aadhar Card and the copy of same is Ex.C1.”

Learned State counsel has not disputed the factum of compromise 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)***

or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes 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 of India.

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*, as approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303* also, in the light of *Gold Quest International Private Limited's case (supra)*, this petition is allowed. FIR No.40 dated 12.04.2014 under Section 498-A IPC, registered at Police Station Kartarpur, District Jalandhar (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 27.09.2018 (Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioner, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. He shall produce a receipt with the Registry.

April 12, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No