

275.

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

CRM-M-2680-2019

Date of decision:29.04.2019

GOKARAN SINGH

... Petitioner

versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondents No.1 to 3.

None for respondent No.4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.74 dated 03.05.2017 registered under Section 498-A, of IPC at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 11.01.2019 (Annexure P-2).

This Court vide order dated 21.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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 Sub Divisional Judicial Magistrate, Mukerian and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 19.03.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.4-complainant, namely, Anju Bala but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 20.02.2019. The same is reproduced as under:-

“That with the intervention of the respectables of the area, I have entered into a compromise with the accused party without any pressure and undue influence in order to establish peace and harmony with the intervention of respectable. Petition under Section 482 Cr.P.C. was filed by accused which is pending in the Hon'ble Punjab and Haryana High Court for quashing of FIR No.74 dated 03.05.2017 u/s 498A IPC registered at Police Station Mukerian. I have effected the compromise with the accused party voluntarily and without any pressure. The compromise effected between us is genuine. I have made this statement today in the Court voluntarily and without any pressure and coercion. It is further stated that a petition u/s 125 of Cr.P.C. and complaint u/s 12 of Domestic Violence Act filed by me are pending against accused and I shall withdraw the same before Family Court, Mukerian. I have no objection if FIR No.74 dated 03.05.2017 u/s 498A IPC registered at Police Station Mukerian be quashed.”

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 FIR.

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 F.I.R. No.74 dated 03.05.2017 registered under Section 498-A, of IPC at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 11.01.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

29.04.2019

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