

302.

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

CRM-M-3633-2019

Date of decision:01.05.2019

BALJINDER SINGH AND ORS.

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

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 F.I.R. No.267 dated 11.10.2018 registered under Sections 498A, 120-B of IPC at Police Station City, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.01.2019 (Annexure P-2).

This Court vide order dated 25.01.2019 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 Chief Judicial Magistrate, Tarn Taran and got their statements

submitted report dated 05.02.2019 to the effect that the compromise is genuine and has been effected between the parties without any undue influence or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Mandeep Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 05.02.2019. The same is reproduced as under:-

“I am complainant in this case. The matter has been compromised with Baljinder Singh, Labh Singh and Harbhajan Kaur without any threat or pressure. Earlier, I was residing with my parent at 275, Gali Garment Wali, Mohalla Nanaksar, W. No.7, Tarn Taran and now after the compromise I am residing in my in law's house at Village Aujla, P.O. Jeewanwal Babri, Tehsil & District Gurdaspur. I have no objection if the FIR No.267 dated 11.10.2018 under section 498-A/120-B IPC Police station City, Tarn Taran may 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.267 dated 11.10.2018 registered under Sections 498A, 120-B of IPC at Police Station City, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 17.01.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

01.05.2019
sanjeev

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