

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

275

CRM-M-3815-2019

Date of Decision:22.07.2019

Simranjeet Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Amaninder Singh Sekhon, Advocate,
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

Mr. K.S. Brar, Advocate,
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.160 dated 17.10.2018 under Section 498-A IPC, registered at Police Station City Kotwali Kotkapura, District Faridkot (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of affidavit dated 15.01.2019 (Annexure P-2).

Learned counsel for the petitioner states that in terms of the compromise so arrived at between the parties, petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent had been filed and decree has been passed thereupon on 16.07.2019 by learned Principal Judge, Family Court, Faridkot.

This Court vide order dated 28.01.2019 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, Faridkot and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 08.04.2019 to the effect that the compromise is genuine, voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Amandeep Kaur has made a statement with regard to compromise before learned Magistrate on 26.03.2019. The same is reproduced as under:-

“That I have effected compromise with accused Simranjeet Singh with the help of Panchayat and respectable. The compromise has been effected with our free will and without any coercion or fraud. We both the parties agree with the quashing petition filed before Hon'ble High Court. The compromise is for welfare of both the parties. I do not want to further proceed against accused. We filed petition under section 13 B of Hindu Marriage Act before the Hon'ble Family Court and the first statement was recorded of both the parties on 15.01.2019 and pending for 16.07.2019 for final statement. I have no objection if FIR No.160 dated 17.10.2018 U/s 498-A IPC is quashed against the accused after 16.7.2019. Photocopy of my Adhaar card is Ex.P2.”

Learned State counsel as well as learned counsel for respondent No.2 have 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)***

206 has held that when the disputes are substantially matrimonial in nature,

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 and FIR No.160 dated 17.10.2018 under Section 498-A IPC, registered at Police Station City Kotwali, Kotkapura, District Faridkot (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of affidavit dated 15.01.2019 (Annexure P-2), subject to payment of costs of ₹5,000/- 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.

July 22, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No