

276.

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

CRM-M-5462-2019

Date of decision: 23.05.2019

AMRITPAL SINGH AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rajesh Kumar Girdhar, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, 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.25 dated 10.06.2018 registered under Sections 406/498-A of IPC at Police Station Women, Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 28.01.2019 (Annexure P-2).

This Court vide order dated 05.02.2019 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 Judicial Magistrate Ist Class, Bathinda and got their statements

submitted report dated 05.03.2019 to the effect that the compromise appears to be genuine and has been effected between the parties voluntarily, out of free will and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Amandeep Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 01.03.2019. The same is reproduced as under:-

“Stated that I was married to accused Amrit Pal Singh S/o Gurcharan Singh R/o Bawa Colony, Street No.1, Shri Mukatar Sahib on 09.07.2017 at Bathinda. An FIR No.25 dated 10.06.2018 under Section 498 A, 406 IPC, Police Station Women Cell, Bathinda was registered by me against the accused Amrit Pal Singh, Gurcharan Singh father of Amrit Pal Singh and Jagjit Kaur mother of Amrit Pal Singh. With the intervention of relatives and friends compromise was made on dated 28.10.2019 at Bathinda with the accused party and a compromise deed was duly written and signed by me and Amrit Pal Singh and was witnessed by friends and relatives. All the dowry articles had been returned to me and the photocopy of the compromise deed is Ex.PX which is correct. Accused Amrit Pal Singh and others had presented filed a petition No.CRM-M-251-2019 before the Hon'ble High Court of Punjab and Haryana, Chandigarh, for quashing the above said FIR and the writ petition is pending before the Hon'ble High Court of Punjab and Haryana, Chandigarh, for 17.05.2019. I along with Amrit Pal Singh has filed a Joint petition under section 13-B of the Hindu Marriage Act which is pending for final statement before the Principal Judge, Family Court, Bathinda and now is fixed for 31.07.2019. I had received Rs.4.5 lacs on 28.01.2019 and petition u/s 13-B was submitted on 29.01.2019. Amrit Pal Singh is to pay another sum of Rs.10 lacs on 31.07.2019 before

the Family Court as past and future maintenance. I have no objection if the above said FIR is quashed against all the accused. None of the accused, the names whom I had mentioned in the FIR has been declared as PO. I got recorded by my statement without any pressure and with my free will. Today my father has come along with me.”

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.25 dated 10.06.2018 registered under Sections 406/498-A of IPC at Police Station Women, Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise

payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

It is made clear that the parties shall adhere to the terms and conditions of the compromise deed dated 28.01.2019 (Annexure P-2) in letter and spirit and the aggrieved party will have the remedy to invoke the contempt proceedings.

(HARI PAL VERMA)
JUDGE

23.05.2019
sanjeev

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