

268.

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

CRM-M-6536-2019

Date of decision:14.05.2019

SATVIR SINGH AND ORS.

... Petitioners

versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

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

Mr. Kawaljyot Singh, Advocate,
for respondents No.2 to 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.65 dated 13.04.2016 registered under Sections 328, 307, 354, 498-A and 34 of IPC at Police Station Basti Bawa Khel, District Police Commissionerate, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement dated 27.10.2017 (Annexure P-2) arrived at between the parties before the Mediation and Conciliation Centre of this Court.

This Court vide order dated 07.03.2019 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 Additional District Judge, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Additional District Judge has submitted report dated 04.05.2019 to the effect that the compromise seems to be genuine and has been effected between the parties voluntarily, without any coercion or undue influence from any corner.

Respondent No.2-complainant, namely, Amanpreet Kaur has made her statement with regard to compromise before learned Additional District Judge on 05.04.2019. The same is reproduced as under:-

“Stated that I have compromised the matter with accused Satvir Singh (husband), Ajit Singh (father-in-law), Kulbir Singh (brother-in-law), Manjit Kaur (sister-in-law Jethani), Joginder Kaur (Aunt Massi-Saas) in case FIR No.65 dated 13.04.2016 under Section 328, 307, 354, 498-A, 34 of IPC got registered by me at Police Station Basti Bawa Khel, District Jalandhar. The compromise deed is already attached with the file pending before the Hon'ble High Court. I have arrived at the compromise with my free will and without any threat, inducement and coercion and without any pressure. I do not want to proceed further with the proceedings of this case and in view of said compromise, I have no objection if the above said FIR is quashed by the Hon'ble High Court. I have brought my original Aadhar Card, a copy of same is Mark-A (original seen and returned).

No any criminal case or proceedings are pending against me or any of the parties to the compromise. I have got registered the instant FIR against accused Satvir Singh, Ajit Singh, Kulbir Singh, Manjit Kaur and Joginder Kaur. None of them has been declared proclaimed offender in the present case by any court. After compromise, now I am living with my husband in a rented accommodation.”

Apart from above, similar statements have been made by respondents No.3 and 4 i.e. Iqbal Singh and Gurdev Singh respectively, whereby they have shown no objection in case the FIR in question is quashed qua the petitioners.

Learned State counsel, on instructions from ASI Prem Pal, states that during investigation, the offence under Section 307 IPC was not made out and was deleted. Similarly, for offence under Section 328 IPC, the report received from the FSL is not found positive. Now, the present FIR survives only for Section 354, 498-A and 34 of IPC.

At this stage, counsel for the complainant states that the matter has been compromised between the parties and petitioner No.1-Satvir Singh and respondent No.2-Amanpreet Kaur are residing together as husband and wife.

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

(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.65 dated 13.04.2016 registered under Sections 354, 498-A and 34 of IPC (Sections 328 and 307 IPC deleted subsequently) at Police Station Basti Bawa Khel, District Police Commissionerate, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement dated 27.10.2017 (Annexure P-2) arrived at between the parties before the Mediation and Conciliation Centre of this Court.

(HARI PAL VERMA)
JUDGE

14.05.2019
sanjeev

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