

279.

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

CRM-M-6736-2019 (O&M)

Date of decision:23.05.2019

SURINDER SINGH & ORS.

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sushant Kareer, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

Mr. Shantanu Bansal, Advocate, for
Ms. Ruhi Kaushik, 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 F.I.R. No.0048 dated 28.04.2016 registered under Section 498-A of IPC at Police Station Bhogpur, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.01.2019 (Annexure P-2 colly).

This Court vide order dated 13.02.2019 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

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.03.2019 to the effect that the compromise has been effected between the parties with their free will and without any kind of pressure, threat or undue influence.

Respondent No.2-complainant, namely, Sunita Rani has made her statement with regard to compromise before learned Magistrate on 18.03.2019. The same is reproduced as under:-

“Stated that I am resident of above said address and an FIR no.48 dated 28.04.2016 under Section 406-498-A IPC PS Bhogpur, Jalandhar was registered against the Surinder Singh, Parkash Ram and Satya Devi on my statement. The matter has been compromised with the above said persons in the presence of respectable of the locality on the basis of the said compromise Ex.PA. I have no objection, if the above said FIR/ case be quashed. The above said compromise is genuine, voluntarily and without coercion or undue influence. None of the accused is proclaimed Offender in this case. I give my statement without any undue influence and the same is with my free consent. I identify my signatures on the compromise Ex.PA. Today I have brought my original Adhar Card and copy of the same is Ex.PB.”

Learned State counsel as well as learned counsel appearing on behalf of 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 FIR.

Hon'ble Supreme Court in ***Gold Quest International Private***

Limited Versus State of Tamil Nadu and others-2014 (4) RCR (Criminal)

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.0048 dated 28.04.2016 registered under Section 498-A of IPC at Police Station Bhogpur, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 19.01.2019 (Annexure P-2 colly).

(HARI PAL VERMA)
JUDGE

23.05.2019
sanjeev

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