

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

284

CRM-M-10166-2017

Date of Decision:10.12.2019

Lakhvir Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Rajvinder Singh Jolly, Advocate for
Mr. Vibhor Bansal, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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 FIR No.61 dated 04.05.2016 under Sections 406, 498-A IPC, registered at Police Station Lalru, Tehsil Dera Bassi, District SAS Nagar, Mohali (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 14.03.2017(Annexure P-2).

This Court vide order dated May 18, 2017 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. However, statement of the parties could not be recorded as they failed to appear before the learned

Magistrate to get their statements recorded. Again vide order dated

21.08.2019, one more opportunity was granted to the parties to get their statements recorded, in terms of the order dated May 18, 2017 passed by this Court and learned Magistrate was directed to forward the report to this Court.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Dera Bassi and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.10.2019 to the effect that the matter has been compromised between the parties voluntarily and out of their free will and consent and without any pressure or undue influence.

Though no one is present on behalf of the complainant-respondent No.2-Ranjit Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 30.09.2019. The same is reproduced as under:-

“Stated that I have lodged the FIR no.61 dated 04.05.2016 under section 406 & 498A of IPC, PS Lalru against accused namely Lakhvir Singh. Now, with the intervention of the respectables, I have voluntarily entered into compromise with the above said accused out of my free will and without any pressure or undue influence, coercion, inducement, threat or promise from any side. I have no objection if the FIR is quashed by the Hon'ble Punjab and Haryana High Court against the above said accused. The copy of Aadhar Card of me is enclosed as Mark B.”

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 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.61 dated 04.05.2016 under Sections 406, 498-A IPC, registered at Police Station Lalru, Tehsil Dera Bassi, District SAS Nagar, Mohali (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 14.03.2017(Annexure P-2), subject to payment of costs of Rs.5,000/- to be paid by the petitioner, within a period of one month from today with the **Govt. Medical College and Hospital, Sector-32, Chandigarh** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

December 10, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No