

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

294

CRM-M-9070-2019

Date of Decision: 24.05.2019

Baljinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Nitin Sharma, Advocate, for the petitioners.

Mr. Jagmohan Ghumman, D.A.G., Punjab,
for respondent No.1.

Mr. Amandeep Singh Nirmaan, Advocate for
Mr. Atul Ravish, 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.0097 dated 24.10.2018 under Sections 406, 498-A IPC, registered at Police Station Women, District Ludhiana (Annexure P-1/T) and all the consequential proceedings arising therefrom on the basis of compromise-deed dated 17/18.01.2019 (Annexure P-2).

This Court vide order dated 28.02.2019 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 Civil Judge (Jr. Divn.)-cum-Judicial Magistrate 1st Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.03.2019 to the effect that the parties have compromised the matter out of their free will and

without any sort of pressure and fear.

Respondent No.2-complainant, namely, Manpreet Kaur, has made a statement with regard to compromise before learned Magistrate on 27.03.2019. The same is reproduced as under:-

“Stated that I got lodged FIR No.97 dated 24.10.2018, U/s 406 & 498-A of IPC, P.S. Women Cell, Ludhiana, against the accused persons namely Baljinder Singh S/o Sarabjit Singh, Sarabjit Singh S/o Harbans Singh, Satnam Kaur @ Satwinder Kaur W/o Sarabjit Singh and Jagwinder Singh S/o Sarabjit Singh, all R/o Village Suchain Mandi, District Sirsa, Haryana, India. Now, I have entered into compromise with the accused persons namely Baljinder Singh S/o Sarabjit Singh, Sarabjit Singh S/o Harbans Singh, Satnam Kaur @ Satwinder Kaur W/o Sarabjit Singh and Jagwinder Singh S/o Sarabjit Singh, out of my free will and without any sort of pressure and fear. As such, I do not want to pursue with the case against the above said accused persons, as the matter has been compromised. The petition U/s 13-B of HMA is pending in the family court for recording final motion statement. I have no objection, if the said FIR be quashed against the above said accused persons namely Baljinder Singh S/o Sarabjit Singh, Sarabjit Singh S/o Harbans Singh, Satnam Kaur @ Satwinder Kaur W/o Sarabjit Singh and Jagwinder Singh S/o Sarabjit Singh. I have already settled all my claims pertaining to my dowry/istri dhan articles including certificates etc. Accordingly, I will not initiate any legal proceedings regarding the said FIR against the accused persons. The FIR may kindly be quashed after the decision of petition U/s 13-B of HMA which is pending in the family court. Today I have brought my aadhar card as proof of my identity and the photocopy of the same is Ex.PE. ”

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.0097 dated 24.10.2018 under Sections 406, 498-A IPC, registered at Police Station Women, District Ludhiana (Annexure P-1/T) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise-deed dated 17/18.01.2019 (Annexure P-2), subject to payment of costs of ₹5,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

However, parties shall remain bound by the terms of compromise-deed dated 17/18.01.2019 (Annexure P-2).

May 24, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No