

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

247

CRM-M-8662-2019

Date of Decision:26.09.2019

Gurmit Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Malkeet Singh, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Gaurav Singla, Advocate,
for complainant-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.23 dated 26.02.2016 under Sections 406, 498-A IPC, registered at Police Station Women, District Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 22.01.2019(Annexure P-2).

Power of attorney filed on behalf of respondent No.2 today in the Court, is taken on record.

Learned counsel for the petitioners states that the decree of divorce under Section 13-B of the Hindu Marriage Act has been granted.

This fact is not disputed by learned counsel for respondent No.2.

This Court vide order dated 26.02.2019 had directed the parties

to appear before the Illaqa Magistrate to get their statements recorded and

the learned trial court 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 29.05.2019, one more opportunity was granted to the parties to get their statement recorded, in terms of the order dated 26.02.2019 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, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 17.09.2019 to the effect that the parties have compromised the matter out of their free will, voluntarily, without any sort of pressure, coercion and fear.

Respondent No.2-complainant, namely, Navdeep Kaur, has made a statement with regard to compromise before learned Magistrate on 16.09.2019. The same is reproduced as under:-

“Stated that I got lodged FIR no.23 dated 26.02.2016, U/s 406 & 498-A of the IPC, P.S. Women, Ludhiana, against the accused persons namely Gurmit Singh aged about 46 years, S/o Balwant Singh and Balwant Singh aged 85 years S/o Anokh Singh, both R/o Village Malewal, Tehsil Samrala, District Ludhiana. Now, I have entered into compromise with the accused persons 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 accused persons as the matter has been compromised. I have no objection, if the aforesaid FIR is quashed against the accused persons. Accordingly, I will not initiate any legal proceedings regarding the said FIR against the accused. Today I have brought my Aadhar card as proof of my identity and the photocopy of same is Ex.PA.”

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.23 dated 26.02.2016 under Sections 406, 498-A IPC, registered at Police Station Women, District Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 22.01.2019(Annexure P-2).

September 26, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No