

234.

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

CRM-M-16486-2018 (O&M)

Date of decision:01.07.2019

JASWINDER SINGH AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vinod Kumar, Advocate,
for the petitioners.

Mr. Harpreet Singh Multani, AAG, Punjab,
for respondent No.1.

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 F.I.R. No.58 dated 19.12.2014 registered under Sections 498-A/406 of IPC at Police Station Hajipur, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.03.2018 (Annexure P-2).

This Court vide order dated 21.09.2018 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, the parties could not appear before the court for recording their statements and again vide order dated 11.03.2019, they were directed to appear before the Illaqa Magistrate/trial

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Mukerian and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 30.05.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, out of their free will and without any kind of undue influence or pressure.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Daljeet Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 29.03.2019. The same is reproduced as under:-

“Stated that present FIR No.58 dated 19.12.2014, under Sections 498-A, 406 IPC, P.S. Hajipur was registered on the basis of my statement against accused namely Jaswinder Singh, Kulwant Kaur and Manjinder Kaur (referred as petitioners No.1 to 3 in the memo of parties petition bearing no.CRM-M-16486 of 2018 before the Hon'ble High Court). Now, with the intervention of the respectables, I have voluntarily entered into compromise with all the accused out of my free will and without any pressure, undue influence, coercion, inducement, threat or promise from any side. After the compromise we have got a decree of divorce under Section 13-B of the Hindu Marriage Act and after this I have solemnized second marriage also. So, the present FIR may be quashed.”

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 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 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.58 dated 19.12.2014 registered under Sections 498-A/406 of IPC at Police Station Hajipur, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 30.03.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

01.07.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No