

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

270

CRM-M-16650-2018

Date of Decision: 30.05.2019

Hargurvinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. HPS Ishar, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr. Ravi Chadda, 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.0078 dated 02.07.2017 under Sections 406, 498-A IPC, registered at Police Station Phase II, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 31.03.2018 (Annexure P-3).

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

learned Chief Judicial Magistrate, SAS Nagar, Mohali and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 27.03.2019 to the effect that the parties have compromised the matter and the same is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Manjinder Kaur, has made a statement with regard to compromise before the learned Chief Judicial Magistrate on 20.3.2019. The same is reproduced as under:-

“The matter has been compromised between me and the accused. I have no objection in case the FIR against the accused is quashed. The compromise is genuine, without any coercion or threat.

I have brought my Aadhar Card. The photocopy of the same is Annexure C1.”

Learned State counsel as well as learned counsel for respondent No.2 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.0078 dated 02.07.2017 under Sections 406, 498-A IPC, registered at Police Station Phase II, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 31.03.2018 (Annexure P-3) are hereby quashed qua the petitioner, subject to payment of costs of ₹10,000/- to be paid by the petitioner, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. He shall produce a receipt with the Registry.

May 30, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No