

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

291

CRM-M-10135-2019

Date of Decision:20.09.2019

Gurcharan Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Prabhjot Singh, Advocate for
Mr. Amit Dhawan, 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.174 dated 18.08.2017 under Sections 494, 498-A IPC, registered at Police Station Goraya, District Jalandhar(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-deed/agreement dated 14.02.2019 (Annexure P-2).

This Court vide order dated 05.03.2019 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise, however, parties could not appear. Again vide order dated 23.05.2019, another opportunity was granted to the parties to appear before the Illaq Magistrate/trial Court to get their statements recorded in terms of the order dated 05.03.2019 passed by this Court.

Pursuant to the aforesaid order, parties have appeared before

learned Judicial Magistrate 1st Class, Phillaur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.07.2019 to the effect that the compromise effected between the parties seems to be genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Amarjit Kaur, has made a statement with regard to compromise before learned Magistrate on 02.07.2019. The same is reproduced as under:-

“Stated that present FIR No.174 dated 18.08.2017 under Section 494, 498-A IPC, Police Station Goraya, District Jalandhar (Rural) was registered at my instance against accused Gurcharan Singh son of Gian Singh, resident of village Bulandpur, P.S. Maksooda, District Jalandhar, presently residing at Sidhu Enclave, Dakoha, P.S. Rama Mandi. I had already compromised the matter with accused Gurcharan Singh without any pressure or undue influence and with my free will on the basis of compromise dated 14.02.2019. Copy of compromise is Ex.C-1 according to which I have already received Rs.8,00,000/- out of total compromise amount of Rs.13,00,000/- at first statement in the petition under Section 13-B of HMA. Today I have received a Draft bearing No.056566 dated 20.04.2019 for an amount of Rs.2,50,000/- and the remaining amount of Rs.2,50,000/- will be received by me at the time of conclusion of petition/second statement of the petition 13-B of HMA. Copy of Draft bearing No.056566 dated 20.04.2019 for an amount of Rs.2,50,000/- is Mark C. I have brought my Adhar Card, copy of which is Mark A. Now, no grudge has remained between me and accused Gurcharan Singh. There is only one accused Gurcharan Singh in this case. No accused is Proclaimed Offender in this case. I will not take any action against above said accused in future regarding above said case. I have no objection if above-said

FIR against accused Gurcharan Singh is quashed.”

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.174 dated 18.08.2017 under Sections 494, 498-A IPC, registered at Police Station Goraya, District Jalandhar(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise-deed/agreement dated 14.02.2019 (Annexure P-2).

The parties shall adhere to the terms & conditions of the compromise-deed/agreement dated 14.02.2019 in letter and spirit.

September 20, 2019
seema

(HARI PAL VERMA)
JUDGE

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