

276.

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

CRM-M-11298-2019

Date of decision: 07.08.2019

KARTAUR SINGH AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.11 dated 22.06.2017 registered under Sections 406/498-A of IPC at Police Station Women Cell Ferozepur, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/panchayatnama dated 23.01.2018 (Annexure P-2).

This Court vide order dated 12.03.2019 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. However, the parties did not appear before the trial Court and accordingly, vide order dated 16.05.2019, parties were afforded one more opportunity to get their statements recorded in terms of order dated 12.03.2019.

Pursuant to the aforesaid order, parties have appeared before

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.07.2019 to the effect that the compromise is genuine and has been effected between the parties with their free will, voluntarily, without any pressure or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jyoti but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 08.07.2019. The same is reproduced as under:-

“Stated that the above said FIR was got registered at my instance against the accused namely Kartaur Singh, Swarna, Bakhshish Singh, Bali alias Gurmeet Kaur, Gurdev Singh and Jeeti alias Manjit Kaur. The matter has been compromised in the present case with the intervention of the respectables of locality without any inducement, pressure, threat or coercion and the compromise deed which has been submitted in the Hon'ble High Court, is genuine and voluntary. Further, I have no objection, if as per the compromise, the proceeding in the above said FIR are quashed against all the accused. The compromise has been arrived at out of free will and is without any threat or coercion of any kind.”

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

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.11 dated 22.06.2017 registered under Sections 406/498-A of IPC at Police Station Women Cell Ferozepur, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/panchayatinama dated 23.01.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

07.08.2019
sanjeev

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