

275.

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

CRM-M-10436-2019

Date of decision:14.05.2019

SANDEEP SINGH AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Amit Dhawan, Advocate,
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, 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.0122 dated 16.10.2018 registered under Sections 498-A, 406 of IPC at Police Station Sadar Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.02.2019 (Annexure P-2).

This Court vide order dated 07.03.2019 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.

Pursuant to the aforesaid order, parties have appeared before learned Additional Chief Judicial Magistrate, Kapurthala and got their

statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 22.04.2019 to the effect that the compromise is genuine one and has been effected between the parties voluntarily and without any pressure.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Palwinder Kaur but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 05.04.2019. The same is reproduced as under:-

“Stated that an FIR bearing No.122 dated 16.10.2018, under sections 498-A, 406 IPC, PS Sadar, Kapurthala was lodged against accused namely Sandeep Singh son of Late Sh. Partap Singh and Balwinder Kaur wife of Late Sh. Partap Singh both resident of H.No.415, Main Road, Mithapur, Opposite Ravi Dass Gurudwara, VPO Mithapur, Jalandhar on my complaint. Now, I have entered into compromise with the abovesaid accused with the intervention of respectable persons of the Village. I have entered into compromise with my free will, without any promise, pressure or influence from any corner. I want to lead peaceful social life. Now, accused Sandeep Singh and Balwinder Kaur have applied for the quashing of above-said case before the Hon'ble Punjab and Haryana High Court. There is no other criminal proceedings are pending between us. I have no objection if the present case is quashed against accused Sandeep Singh and Balwinder Kaur.”

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.0122 dated 16.10.2018 registered under Sections 498-A, 406 of IPC at Police Station Sadar Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 15.02.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

14.05.2019
sanjeev

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