

281.

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

CRM-M-11078-2019 (O&M)

Date of decision:16.05.2019

GURMEET SINGH AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None 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.27 dated 25.04.2017 registered under Sections 406, 498-A, 201 of IPC at Police Station Women, Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexures P-2 & P-3).

This Court vide order dated 11.03.2019 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 Judicial Magistrate Ist Class, Patiala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 24.04.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Baljit Kaur but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 09.04.2019. The same is reproduced as under:-

“Stated that I am the complainant of present case FIR no.27 dated 25.4.2017, U/ss 406/498-A/201 IPC registered P.S. Women, Patiala, which has been get registered by me against the accused Gurmeet Singh and Amarjit Kaur and only these two accused have been arrayed as accused in the present case FIR. Now due to intervention of respectables of locality and common friends, I have compromised with the accused voluntarily and without any coercion or undue influence. I have no objection if present FIR and proceedings arising out of present FIR against the accused Gurmeet Singh and Amarjit Kaur are quashed by the Hon'ble Punjab and Haryana High Court. I am giving this statement voluntarily and without any coercion or undue influence. The compromise between us is genuine.”

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)

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.27 dated 25.04.2017 registered under Sections 406, 498-A, 201 of IPC at Police Station Women, Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexures P-2 & P-3), however, that would be subject to payment of costs of Rs.5,000/- 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

16.05.2019
sanjeev

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