

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

283

CRM-M-11563-2019

Date of Decision:27.05.2019

Jagar Ram and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Sandeep Arora, Advocate,
for the petitioners.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab,
for respondent No.1.

Mr. G.S. Rawat, 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.138 dated 30.08.2018 under Sections 498-A, 406 IPC, registered at Police Station, Maqsudan, District Jalandhar Rural (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 05.11.2018 (Annexure P-2).

This Court vide order dated 13.03.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 08.05.2019 to the effect that the compromise on the

face of it appears to be genuine one having been arrived at by the parties

with free will without any pressure or coercion. There is nothing on the record to doubt the genuineness of the compromise so arrived at between the parties.

Respondent No.2-complainant, namely, Komal Preet Kaur, has made a statement with regard to compromise before learned Magistrate on 10.04.2019. The same is reproduced as under:-

“Stated that above said FIR was registered on the basis of my statement against Jagar Ram and Bhupinder Ram. Now I have entered into compromise with the petitioner without any duress, coercion or any other pressure to maintain the peace and harmony in the locality. This compromise has been arrived at with the intervention of respectables. I have no objection, if the said FIR is quashed. I have brought my original Adhar Card, photocopy of which is Ex.P1.”

Learned counsel for the petitioners states that petitioner No.1-Jagar Ram, father of petitioner No.2-Bhupinder Ram, is holding General Power of Attorney on behalf of petitioner No.2 and accordingly has appeared before the trial court to make the statement in support of the compromise. He has relied upon the order dated 01.06.2018 passed by this Court in ***CRM-M-6890 of 2013*** titled as **Mangal Das Gautam and another Versus State of Haryana and another,** whereby the Division Bench of this Court has held that the criminal proceedings under Section 482 of Cr.P.C. can be filed by an accused through an Attorney, but the circumstances under which it can be so filed and would be maintainable would be dependent upon various factors including facts and circumstances of that particular case, which is better left at the wisdom and discretion of the Court.

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.138 dated 30.08.2018 under Sections 498-A, 406 IPC, registered at Police Station, Maqsudan, District Jalandhar Rural (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 05.11.2018 (Annexure P-2), subject to payment of costs of ₹25,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

However, parties shall remain bound by the terms of compromise dated 05.11.2018 (Annexure P-2).

May 27, 2019
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(HARI PAL VERMA)
JUDGE

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