

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

330

CRM-M-21824-2018

Date of Decision:26.08.2019

Kabal Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Hemant Saini, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Ms. Karmanjot Kaur, 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.71 dated 28.08.2016 under Sections 498-A, 406, 323 IPC, registered at Police Station Sri Hargobindpur, District Gurdaspur (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 27.11.2017(Annexure P-3).

Learned counsel for the petitioner states that the matter has been compromised between the parties and it is in this background, in the petition filed under Section 13-B of the Hindu Marriage Act, decree of divorce has been granted.

This Court vide order dated 23.08.2018 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. However, statement of complainant-respondent No.2 could not be recorded as she failed to appear before the learned Magistrate to get her statement recorded. Again vide order dated 18.07.2019, one more opportunity was granted to respondent No.2 to get her statement recorded, in terms of the order dated 23.08.2018 passed by this Court and learned Magistrate was directed to forward the report to this Court.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.08.2019 to the effect that the parties have made an amicable settlement and have recorded their statements in the court without any fear, pressure, threat or coercion and out of their free will.

Respondent No.2-complainant, namely, Harjit Kaur, has made a statement with regard to compromise before learned Magistrate on 31.07.2019. The same is reproduced as under:-

“Stated that the present case bearing FIR No.71 dated 28.08.2016 under Section 498-A/406/323 IPC, P.S. Sri Hargobindpur was registered on my statement at Police Station Sri Hargobindpur, District Gurdaspur. The matter has been compromised with the accused party with the intervention of respectables. We are living peacefully and we have no grudge against each other and I do not want to proceed against the accused Kabal Singh son of Lakhbir Singh r/o Village Mudhal, Tehsil & District Amritsar. I have suffered this statement without any coercion, pressure or undue influence and with my own free will. I have no objection if the

present FIR be quashed. Copy of my Aadhar Card is Ex.P1 & copy of Pan Card is Ex.P2.”

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 complaint.

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.71 dated 28.08.2016 under Sections 498-A, 406, 323 IPC, registered at Police Station Sri Hargobindpur, District Gurdaspur(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 27.11.2017(Annexure P-3).

August 26, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No