

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

286

CRM-M-12657-2019

Date of Decision:27.05.2019

Randhir Gill

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Sultan Singh Gill, Advocate,
for the petitioner.**

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

**Mr. Bikramjit Singh Randhawa, 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.4 dated 12.09.2013 under Sections 406, 498-A IPC, registered at Police Station NRI Amritsar, District Amritsar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-deed dated 27.04.2018 (Annexure P-2).

Power of attorney filed on behalf of respondent No.2 today in the Court, is taken on record.

This Court vide order dated 19.03.2019 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, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 11.04.2019 to the effect that the compromise arrived at between the parties is genuine, voluntarily, with their free consent, without any fear, undue influence and pressure.

Respondent No.2-complainant, namely, Seema Gill, has made a statement with regard to compromise before learned Magistrate on 03.04.2019. The same is reproduced as under:-

“Stated that an FIR No.04 dated 12.09.2013, under Section 406, 498-A of IPC, P.S. N.R.I., District Amritsar, was registered on my statement against accused (1) Ninder Kaur @ Narinder Kaur aged about 49 years w/o Jagjit Singh, residential of Village Khankot, Block Verka, District Amritsar (2) Rashpal Singh, aged about 33 years s/o Sawinder Singh (3) Sharanjit Kaur @ Rimpny, aged about 27 years w/o Rashpal Singh (4) Randhir Gill aged about 45 years son of Charan Singh resident of Village Khan Kot, Tehsil and District Amritsar at present residing at Calle Agudes 116 4-1 08033 Barcelona, Spain (5) Shamsher Singh aged 55 years son of Charan Singh resident of London, England. However, all persons mentioned in column no.1, 2 and 3 i.e. namely (1) Ninder Kaur @ Narinder Kaur aged about 49 years w/o Jagjit Singh, residential of Village Khankot, Block Verka, District Amritsar (2) Rashpal Singh, aged about 33 years s/o Sawinder Singh (3) Sharanjit Kaur @ Rimpny, aged about 27 years w/o Rashpal Singh have filed petition No.CRM-M-29047 of 2018 for quashing of the instant FIR and all other subsequent proceedings relating there to on the basis of compromise effected in the mediation and conciliation centre of Hon'ble Punjab & Haryana High Court, Chandigarh in mediation case No.65 of 2018 reference CRM-M-45665 of 2017 in the case titled as Narinder Kaur vs. State of Punjab dated 11.1.2018. The original of compromise deed is already placed in Hon'ble High court in quashing petition. The parties to the settled of the

agreement was Ninder Kaur @ Narinder Kaur wife of Jagjit Singh and Randhir Gill son of Charan Singh through his attorney Kamaljit Singh son of Balwant Singh as first party and Seema Gill wife of Randhir Gill D/o Gian Singh as second party. Randhir Gill is being represented in settled vide his through his attorney as he is a Proclaimed Persons/offenders in the main case and compromise was effected by him as per settled agreement. The complainant and aggrieved is the same persons. But I have compromise the present matter with the accused Randhir Singh with my own volition and free consent. The compromise is genuine and voluntary and without any force, threat and coercion and I am supporting the same with my own volition. I have no objection if the present FIR be quashed against Randhir Gill and Shamsher Singh accused.”

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.4 dated

12.09.2013 under Sections 406, 498-A IPC, registered at Police Station NRI Amritsar, District Amritsar (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise-deed dated 27.04.2018 (Annexure P-2).

May 27, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No