

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

277

CRM-M-14423-2019

Date of Decision:14.11.2019

Bhupinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Ms. Satinder 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.87 dated 08.09.2018 under Sections 498-A, 406, 323 IPC, registered at Police Station Sadar Kotkapura, District Faridkot (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 27.12.2018(Annexure P-2) and affidavit (Annexure P-3).

This Court vide order dated 28.08.2019 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. However, statement of the parties could not be recorded as they failed to appear before the learned Magistrate to get their statements recorded. Again vide order dated 24.09.2019, one more

opportunity was granted to the parties to get their statement recorded, in terms of the order dated 28.08.2019 passed by this Court and learned Magistrate was directed to forward the report to this Court.

Pursuant to the aforesaid order, the parties have appeared before learned Chief Judicial Magistrate, Faridkot and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.10.2019 to the effect that the compromise is genuine, voluntary and without any pressure or coercion.

Respondent No.2-complainant, namely, Rajinder Kaur, has made a statement with regard to compromise before learned Magistrate on 01.10.2019. The same reads as under:-

“Stated that present FIR was got registered by me against the accused Simranjit Singh alias Simran, Bhupinder Singh and Rajinder Kaur. Now, with the intervention of the respectables of the society, compromise has been effected between me and the petitioners/accused. Compromise effected between me and the petitioners/accused is genuine, voluntary and without any pressure or coercion. I have no objection if the present FIR qua the petitioners/accused as well as all the proceedings arising out of it against them are quashed. Photocopy of my Aadhaar card is Ex.C1.”

Learned State counsel, on instructions from ASI Baldev Singh, submits that challan in the case has been presented and charges have been framed, but no witness has been examined. He 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 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.87 dated 08.09.2018 under Sections 498-A, 406, 323 IPC, registered at Police Station Sadar Kotkapura, District Faridkot(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 27.12.2018(Annexure P-2) and affidavit(Annexure P-3), subject to payment of costs of ₹5,000/- to be deposited with the Lawyers' Welfare Fund of Bar Association of this Court within a period of one month from today.

November 14, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/Nos