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

CRM-M-14236-2019

Date of decision:15.10.2019

BIKRAMJIT SINGH AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Bikramjit Aroura, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab,
for respondent No.1.

Mr. Narinder Singh Dadwal, 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 F.I.R. No.215 dated 25.08.2018 registered under Sections 307/323/498-A/34 of IPC at Police Station Sadar Ferozepur, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 14.11.2018 (Annexures P-2 & P-3).

This Court vide order dated 08.07.2019 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 Additional Chief Judicial Magistrate, Ferozepur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.08.2019 to the effect that the compromise effected between the parties is genuine and valid.

Respondent No.2-complainant, namely, Kirandeep Kaur has made her statement with regard to compromise before the learned Magistrate on 14.08.2019. The same is reproduced as under:-

“Stated that I have effected compromise with the petitioners/accused namely Bikramjit Singh son of Kuldeep Singh; Kuldeep Singh son of Sampuran Singh; Ranjit Kaur wife of Kuldeep Singh and Gurlal Singh son of Jangir Singh, all residents of Village Bhure Gill, Tehsil and District Taran Taran in FIR No.215 dated 25.08.2018 registered under Sections 307, 323, 498-A, 34 IPC, Police Station Sadar Ferozepur voluntarily with the intervention of the respectables of the locality without any inducement, threat, pressure or coercion. There are total four accused in the present FIR namely Bikramjit Singh son of Kuldeep Singh; Kuldeep Singh son of Sampuran Singh; Ranjit Kaur wife of Kuldeep Singh and Gurlal Singh son of Jangir Singh, all residents of Village Bhure Gill, Tehsil and District Taran Taran. None of the accused has been declared proclaimed offender in the present FIR. I have no objection if the present FIR is quashed. ”

Counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, petitioner No.1 and respondent No.2 are staying together as husband and wife and it was a matrimonial dispute between the parties.

Counsel for the complainant-respondent No.2 does not dispute the fact that the parties are staying together as husband and wife.

Learned State counsel, on instructions from HC Paramjit Singh, states that FSL report has not been received in the case so as to establish that the poisonous substance was ever administered to the complainant.

I have heard counsel for the parties.

Considering the fact that the parties are staying together as husband and wife and respondent No.2 has suffered her statement in support of the compromise, 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) 206*** has held that the disputes which are substantially matrimonial in nature, 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.215 dated 25.08.2018 registered under Sections 307/323/498-A/34 of IPC at Police Station Sadar Ferozepur, Ferozepur (Annexure P-1) and all subsequent

proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 14.11.2018 (Annexures P-2 & P-3).

(HARI PAL VERMA)
JUDGE

15.10.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No