

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

297

CRM-M-15080-2019

Date of Decision:24.05.2019

Jagmail Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Parveen Kumar, Advocate for
Mr. Gurinder Singh Hayer, Advocate,
for the petitioner.**

**Mr. Jagmohan Ghumman, D.A.G., Punjab,
for respondent No.1.**

**Mr. Salinder Kumar Saini, 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.0039 dated 12.08.2016 under Section 498-A IPC, registered at Police Station Women Cell, District Bathinda (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 07.02.2019 (Annexure P-2).

This Court vide order dated 02.04.2019 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, Bathinda and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 30.04.2019 to the effect that the compromise has been effected between the parties and the same is voluntarily, without any pressure or coercion and is genuine one.

Respondent No.2-complainant, namely, Harpreet Kaur, has made a statement with regard to compromise before learned Magistrate on 25.04.2019. The same is reproduced as under:-

“Stated that an FIR got lodged against my husband Jagmail Singh bearing No.39 dated 12.08.2016 u/s 498-A IPC PS Women Cell, Bathinda on my statement. Now the compromise has been effected between me and the Jagmail Singh my husband. We are living together since last three months. Kindly the above said FIR dated 12.08.2016 and subsequent proceedings thereon, be quashed against Jagmail Singh. I got recorded my statement without any pressure and with my free will. ”

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.0039 dated 12.08.2016 under Section 498-A IPC, registered at Police Station Women Cell, District Bathinda (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 07.02.2019 (Annexure P-2).

May 24, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No