

281.

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

CRM-M-14733-2019

Date of decision: 30.10.2019

HARMINDER SINGH AND ANR

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashok Paul Batra, Advocate,
for the petitioners.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.
for respondent No.1.

Ms. Kuldip Kaur, Advocate, for
Mr. Navsangeet Sidhu, 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.92 dated 03.09.2014 registered under Sections 498-A/34 of IPC at Police Station Arniwala, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise and affidavit dated 19.03.2019 (Annexures P-2 & P-3 respectively).

This Court vide order dated 01.04.2019 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 Sub Divisional Judicial Magistrate, Abohar 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 is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Respondent No.2-complainant, namely, Rupinder Kaur has made her statement with regard to compromise before learned Magistrate on 01.05.2019. The same is reproduced as under:-

“Stated that FIR No.92 dated 3.9.2014 under Sections 498-A/34 of IPC, PS Arniwala was registered on my statement against the accused persons namely Harminder Singh and Daljit Kaur. Now, with the intervention of the respectables and Panchayat, I have compromised with the said accused persons with my free will and without any pressure and coercion and as per compromise I have received the last installment of compromised amount i.e. Rs.2.50 Lac in cash from the accused Harminder Singh. No other case except the petition 13B of HM Act is pending against either of the party to the present case. Further, I have no objection if the quashing petition filed by the accused persons is accepted by the Hon'ble High Court.”

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 FIR.

Hon'ble Supreme Court in ***Gold Quest International Private Limited Versus State of Tamil Nadu and others-2014 (4) RCR (Criminal)***

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.92 dated 03.09.2014 registered under Sections 498-A/34 of IPC at Police Station Arniwala, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise and affidavit dated 19.03.2019 (Annexures P-2 & P-3 respectively).

(HARI PAL VERMA)
JUDGE

30.10.2019
sanjeev

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