

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

257

CRM-M-29188-2018

Date of Decision:25.09.2019

Pyar Kaur and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Simranjit Singh, Advocate,
for the petitioners.**

Mr. Saurav Khurana, DAG, Punjab.

None 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.113 dated 26.09.2014 under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 13.12.2017 (Annexure P-2).

Learned counsel for the petitioners states that since petitioner No.2 has been declared proclaimed offender and the said order is not under challenge in this petition, he does not press the present petition qua petitioner No.2-Kamalpreet Singh. He further states that liberty may be granted to petitioner No.2 to file a fresh petition seeking quashing of FIR in question on the basis of compromise, in case the PO order is set aside.

Ordered accordingly.

This Court vide order dated 14.02.2019 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 Judicial Magistrate 1st Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 27.03.2019 to the effect that the compromise has been effected between the parties voluntarily without any pressure, coercion or undue influence from any quarter and the same is genuine one.

Though no one is present on behalf of respondent No.2- Baljinder Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 20.03.2019. The same is reproduced as under:-

“Stated that the compromise has been effected with accused Piar Kaur and Kamalpreet through his attorney Jagir Singh, Now there no issues/cases pending between us. I have compromised the matter with accused persons without any influence and coercion. I have no objection if the present FIR be quashed.”

Learned State counsel 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.113 dated 26.09.2014 under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua petitioner No.1-Pyar Kaur only on the basis of the compromise dated 13.12.2017 (Annexure P-2).

September 25, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No