

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-30019 of 2018

Date of Decision: 11.01.2019

Gaganjit Singh Walia & others

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- Mr. Manoj Kumar, Advocate
for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. Jasraj Singh, Advocate
for respondents no.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.77 dated 06.06.2013 under Sections 498-A IPC and Sections 406 IPC (added later on) registered at Police Station Bullowal, District Hoshiarpur (Annexure P-1) and all further proceedings arising therefrom, on the basis of compromise dated 12.07.2018 (Annexure P-2) arrived at between the parties.

This Court vide order 19.07.2018 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to the compromise so arrived and the learned Illaqa

Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded and to intimate whether any PO proceedings are pending against any of the parties on or before the date fixed i.e. 12.09.2018.

Pursuant to the aforesaid order passed by this Court, the parties have appeared before the trial Court and the statements of the complainant - Sarwan Singh and the victim - Kulwinder Kaur were recorded, on the basis of which, learned trial Court has reported that the compromise has been executed by the parties out of their free will and without any fear, threat, coercion or undue influence and the same is genuine and valid. No PO proceedings are pending against any of the parties. The statement of the victim Kulwinder Kaur reads as under:-

“On the statement of my father namely Sh. Sarwan Singh, the FIR No.77 dated 06.06.2013, under Section 498-A IPC and Section 406 IPC added later on, was registered at PS Bullowal, District Hoshiarpur against accused (1) Gaganjit Singh Walia (2) Jagdip Singh Walia and (3) Parminder Kaur Walia. In the said case, challan has already been presented by the police and now, the case is pending for trial in the Court of Ld. Addl. Chief Judicial Magistrate, Hoshiarpur and is fixed for 18.08.2018. Now, with the intervention of the respectable persons of the society, myself and my father Sarwan Singh have effected the compromise Mark-A with the above said persons (accused in this case). Now, there is no dispute between us. The compromise Mark-A is out of free will and is without any fear, threat, coercion or undue influence and it has been made voluntarily and the same is genuine one. The compromise Mark-A bears my signatures as well as accused persons. Now, I have no objection if the present FIR against accused be quashed. There is no other

accused except the above mentioned and no PO proceedings are pending against me.”

Apart from above, a similar statement has been made by respondent no.-3 Sarwan Singh, who is the author of the FIR, whereby he has shown no objection to the FIR being quashed.

This Court has been informed that in terms of the compromise (Annexure P-2), an amount of Rs.2,25,000/- has already been paid to Kulwinder Kaur-victim by way of demand draft dated 09.07.2018 at the stage of first motion hearing in the petition filed under Section 13-B of the Hindu Marriage Act, 1955 and the remaining amount of Rs.2,25,000/- is required to be paid at second motion hearing, which is fixed for 22.02.2019.

Learned counsel for respondent nos.2 and 3 has not disputed the factum of compromise between the parties and has no objection to the FIR being quashed.

Learned State counsel also does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Hon'ble the Apex Court in **Gold Quest International Private Ltd. vs. 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.

In view of above, considering the fact that the matter has been compromised between the parties, which fact has not been disputed by learned counsel for the respondents-complainant and victim, and following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1252 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)12 SCC 303**, as well as **Gold Quest International Private Ltd.**'s case (*supra*), this Court finds that the present petition deserves to be allowed.

Accordingly, the present petition is allowed and FIR No.77 dated 06.06.2013 under Sections 498-A IPC and Section 406 IPC (added later on) registered at Police Station Bullowal, District Hoshiarpur (Annexure P-1) and all further proceedings arising therefrom are quashed *qua* the petitioners on the basis of compromise dated 12.07.2018 (Annexure P-2) arrived at between the parties.

January 11, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No