

284.

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

CRM-M-32754-2018

Date of decision: 20.11.2019

RUPINDER SINGH AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sahil Vashisht, Advocate, for
Mr. G.S. Kaura, Advocate, for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab,
for respondent No.1.

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 F.I.R. No.3 dated 13.01.2018 registered under Sections 406/498-A of IPC at Police Station Badali Ala Singh, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.06.2018 (Annexure P-2).

This Court vide order dated 06.08.2019 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 Ist Class, Fatehgarh Sahib and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.10.2019 to the effect that the compromise has been effected between the parties voluntarily and without any pressure.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Sona Kaur @ Sukhdeep Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate. The same is reproduced as under:-

“Stated that the present case having FIR No.03 dated 13.01.2018, under Sections 406, 498-A of Indian Penal Code, 1980 registered at Police Station, Badali Alla Singh was registered against the accused persons namely Rupinder Singh son of Gurmeet Singh, Gurmeet Singh son of Chhota Singh and Paramjit Kaur wife of Gurmit Singh, all residents of Village Makran, Tehsil and District SAS Nagar, Mohali (Petitioners) on my statement. Now I have compromised the matter with accused persons (petitioners) with the intervention of the respectables. I have no objection, if the present FIR may be quashed qua the above said persons. I have given my statement with my free will and without any coercion and any pressure. Copy of compromise is Ex.C-1 and copy of my Aadhaar Card is C-2. No any other litigation/proceeding is pending between me and accused persons in any court of law. The present FIR was only against above-said Rupinder Singh, Gurmit Singh and Paramjit Kaur. As per compromise I have received Rs.3,00,000/- as maintenance.”

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 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.3 dated 13.01.2018 registered under Sections 406/498-A of IPC at Police Station Badali Ala Singh, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 28.06.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

20.11.2019
sanjeev

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