

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

287

CRM-M-16291-2019

Date of Decision:28.05.2019

Ranjit Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, 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 FIR No.40 dated 26.07.2018 under Sections 406, 498-A, 120-B IPC, registered at Police Station Tallewal, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.03.2019 (Annexure P-2).

This Court vide order dated 08.04.2019 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 Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class,

Barnala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.04.2019 to the effect that the parties have compromised the matter and the same is voluntarily, without any pressure and coercion.

Though, today no one is present on behalf of respondent No.2-complainant, namely, Upkar Kaur, but no prejudice would be caused to her as she has already made a statement with regard to compromise before the learned Magistrate on 24.04.2019. The same is reproduced as under:-

“Stated that I have got lodged FIR No. 40 dated 26.07.2018, u/s 498A/406/120-B IPC, PS Tallewal against the accused Ranjit Singh son of Darshan Singh, Jora Singh son of Mohinder Singh and Surjit Kaur wife of Darshan Singh, all residents of Barmi, District Ludhiana. Now, I have effected compromise with the above said accused persons with the intervention of the respectable of the society and the copy of which is Ex.PX upon which I identify my signatures. The original compromise is placed before the Hon'ble High Court Chandigarh. The compromise has been effected voluntarily and without any pressure or coercion in any manner. Photo copy of my Adhar card is Mark A. I have no objection if the above said FIR and its consequential proceedings are quashed by Hon'ble High Court as I have been residing with above said Ranjit Singh peacefully at my matrimonial house.”

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.40 dated 26.07.2018 under Sections 406, 498-A, 120-B IPC, registered at Police Station Tallewal, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.03.2019 (Annexure P-2) are hereby quashed qua the petitioners, subject to payment of costs of ₹ 10,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

May 28, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No