

CRM-M-16739-2019

Date of decision:08.11.2019

Parminder Singh and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMAPresent: Mr. Ruhani Chadha, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Ms. Dhivya Jerath, Advocate for
Mr. Navjot Singh, 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.49 dated 04.07.2015 registered under Sections 406, 498-A, 506, 379 of IPC at Police Station City-2, Mansa, District Mansa (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.02.2019 (Annexure P-2).

This Court vide order dated 11.04.2019 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 Chief Judicial Magistrate, Mansa and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.09.2019 to the effect that the compromise is genuine and has been effected between the parties with their free consent, without any

pressure, undue influence, coercion or fear.

Respondent No.2-complainant, namely, Santosh Rani, has made her statement with regard to compromise before learned Magistrate on 25.04.2019. The same is reproduced as under:-

“Stated that with the intervention of Panchayat and respectables I have entered into compromise with my husband and other family members. As per compromise I and my husband Parminder Singh petitioner No.1 has decided to dissolve our marriage with mutual consent. It is also compromised that I and my husband withdraw all the suits etc. pending against each other and their family members. As per compromise the petition under Section 13-B of Hindu Marriage Act has already been filed by me and by my husband in the court of District Judge Mansa. First statement in the petition U/s 13-B of HM Act has already been recorded and the next date is 13.08.19 for recording second statement in petition u/s 13-B of Hindu Marriage Act. As per compromise I do not want to further proceed in FIR No.49 dated 04.07.15 P.S. City 2 Mansa U/s 498-A, 406 IPC against all the accused. I have no objection if the said FIR No.49 has been quashed against all the accused. I have made my this statement with my free will and consent and without any pressure upon me.”

Learned State counsel as well as 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) 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.49 dated 04.07.2015 registered under Sections 406, 498-A, 506, 379 of IPC at Police Station City-2, Mansa, District Mansa (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 06.02.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Government Medical College/Rajindra Hospital (GMCP), Patiala, within one month from today, which shall be spent on the treatment of poor patients within the knowledge of Medical Superintendent.

(HARI PAL VERMA)
JUDGE

November 08, 2019
m. sharma

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