

CRM-M-33706-2018

Date of Decision:09.01.2019

GURPREET SEHMI & ORS

...Petitioners

Versus

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Shranav Katyal, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Ankur Jain, Advocate
for the complainant.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C for quashing of FIR No.34 dated 04.03.2017 under Sections 498-A, 406 of IPC registered at Police Station City Batala, District Batala and all subsequent proceedings arising therefrom on the basis of compromise dated 30.07.2018 (Annexure P-2).

This Court vide order dated 17.09.2018 had directed the parties to appear before the trial Court/Illaq Magistrate 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 Sub Divisional Judicial Magistrate, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 26.10.2018 to the effect that the compromise effected between the parties is genuine, which is not the result of any pressure or coercion.

Respondent No.2-complainant, namely, Rajinder Singh has made his statement with regard to compromise before learned Magistrate on 15.10.2018. The same is reproduced as under:-

“Stated that the present FIR bearing no.0034 dated 04.03.2017 under sections 498-A, 406 of IPC, Police Station City Batala was registered against the accused namely Gurpreet Sehmi s/o Iqbal Singh Sehmi, Iqbal Singh son of Achhar Singh, Paramjit Kaur wife of Iqbal Singh Sehmi and Amanpreet Singh son of Iqbal Singh Sehmi, all residents of Krishna Nagar, opposite Ravinder Hospital, Batala district Gurdaspur on my statement. Now, I have compromised the matter with above named accused on behalf of my niece with the intervention of the respectables. I have no objection if the aforesaid FIR is quashed qua the above said accused. I have given my statement with my free will and without any coercion and any pressure. Copy of my Adhaar card is Ex. C1. Further, compromise effected between me and accused is not having any adverse effect on the rights of any third party. Photocopy of compromise deed is Ex-C2. Original compromise deed attached with quashing petition filed before the Hon'ble High Court. No any other litigation/proceedings is pending between me and accused in any court of law.”

Apart from above, a similar statement has been made by Narinderpal Singh, who is the father of the victim Vinku Seerha, arrayed as respondent No.3.

Learned counsel for the complainant has produced certified copy of power of attorney executed by Vinku Seerha appointing

Narinderpal Singh as her attorney dated 14.08.2018, which is taken on record.

Learned State counsel as well as learned counsel for the complainant 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 F.I.R.

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**, this petition is allowed and FIR No.34 dated 04.03.2017 under Sections 498-A, 406 of IPC registered at Police Station City Batala, District Batala and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 30.07.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

January 09, 2019

Jyoti-IV

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned Yes/No Whether Reportable Yes/No