

284.

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

CRM-M-16486-2019

Date of decision: 30.10.2019

MANPARVESH SINGH AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Anupam Bhardwaj, Advocate,
for the petitioners.

Ms. Jasleen Kaur Sidhu, 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.23 dated 13.02.2019 registered under Sections 307/498A/34 of IPC at Police Station Maqboolpura, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.04.2019 (Annexure P-2).

This Court vide order dated 10.04.2019 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 Judicial Magistrate Ist Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.05.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, with their free consent, without any undue influence and pressure.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Kanwaljeet Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 29.04.2019. The same is reproduced as under:-

“Stated that an FIR no.0023 dated 13.02.2019 under section 307, 498-A of IPC registered at P.S. Maqbolpura Amritsar, on the basis of my statement against Manparvesh Singh son of Jatinder Singh, Sukhwinder Kaur w/o Jatinder Singh, Mandeep Kaur @ Gurleen Kaur wife of Gurparvesh Singh and Gagan Preet Kaur son of Ramandeep Singh.

That the police has not presented challan against the accused till date u/s 307, 498-A of IPC and no charge has been framed against them by the court under these sections. That now compromise has been effected between me and the accused on 06.04.2019 and the said compromise is genuine and voluntary and without any force, threat and coercion and I am supporting the same with my own volition. I have no objection if the present FIR be quashed against all the accused. There are four accused in the present case. None of them has been ever declared as Proclaimed Offender/person either by the Court or by the concerned police station.”

Counsel for the petitioners states that the matter has been compromised between the parties and in terms of the compromise, the parties (i.e. petitioner No.1 and respondent No.2) are staying together as husband and wife.

Learned State counsel, on instructions from ASI Satnam Singh, states that the parties are residing together and as on date, they are abroad.

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.23 dated 13.02.2019 registered under Sections 307/498A/34 of IPC at Police Station Maqboolpura, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 06.04.2019 (Annexure P-2), however, subject to payment of costs of

Rs.10,000/- with the Government Medical College, Amritsar. The Superintendent concerned shall ensure that the amount so deposited by the petitioners is utilized for the welfare of poor patients only.

(HARI PAL VERMA)
JUDGE

30.10.2019
sanjeev

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