

264.

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

CRM-M-35097-2018

Date of decision:31.01.2019.

JASWINDER SINGH AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ishan Sharma, Advocate, for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab, for respondent No.1.

Mr. Ketan Antil, 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.306 dated 20.12.2015 registered under Section 498A of IPC at Police Station Tanda, District Hoshiarpur (Annexure P-1) as well as summoning order dated 12.09.2017 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Dasuya, and all subsequent proceedings arising therefrom on the basis of compromise dated 25.07.2018 (Annexure P-4).

Vakalatnama filed on behalf of respondent No.2 in Court today, is taken on record.

This Court vide order dated 16.08.2018 had directed the parties to appear before the trial Court/Illaqa 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 Judicial Magistrate Ist Class, Dasuya and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.09.2018 to the effect that the compromise has been effected between the parties voluntarily, with their free consent, without any pressure or coercion and with the intervention of the respectables.

Respondent No.2-complainant, namely, Sandeep Kaur has made her statement with regard to compromise before learned Magistrate on 06.08.2018. The same is reproduced as under:-

“Stated that I am complainant in the above said case. With the intervention of the respectables of the locality, compromise has been effected between the parties. The compromise is genuine, and voluntarily executed by the parties without any coercion or undue influence. Now both the parties have no grudge against each other. Both the parties have undertaken to live peacefully in future. I have no objection if the above said FIR and summoning order under Section 319 Cr.P.C. dated 12-9-2017 whereby the accused have been ordered to face the trial is quashed.”

Learned State counsel as well learned 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 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 the disputes which are substantially matrimonial in nature,

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.306 dated 20.12.2015 registered under Section 498A of IPC at Police Station Tanda, District Hoshiarpur (Annexure P-1) as well as summoning order dated 12.09.2017 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Dasuya, and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 25.07.2018 (Annexure P-4).

(HARI PAL VERMA)
JUDGE

31.01.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No