

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

264

CRM-M-35425-2018(O&M)

Date of Decision:03.09.2019

Taranjit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Ramanjit, Advocate for
Mr. Daman Dhir, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

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. 0041 dated 21.04.2017 under Section 498-A IPC, registered at Police Station, Women Police Commisionerate, Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 01.05.2018 (Annexure P-2).

This Court vide order dated 26.09.2018 had directed the parties to appear before the trial Court/Illaqa Magistrate to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise. However, statement of the parties could not be recorded as they failed to appear before the learned Magistrate to get their statements recorded. Again vide order dated 26.11.2018, one more opportunity was granted to the parties to get their statement recorded, in terms of the order dated 26.09.2018 passed by this Court and learned

Magistrate was directed to forward the report to this Court.

Pursuant to the aforesaid order, the complainant has appeared before learned Judicial Magistrate 1st Class, Ludhiana and got her statement recorded. On the basis of the statement so recorded, learned Magistrate has submitted report dated 18.01.2019 to the effect that the complainant has compromised the matter with the accused person with her free consent and voluntarily with the intervention of the respectables of her locality.

Though no one is present on behalf of respondent No.2-complainant-Tamanna Soni in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 20.12.2018. The same is reproduced as under:-

“Stated that FIR No.41 dated 21.04.2017, U/s 498-A of IPC, P.S. Women Police Commissionerate, Ludhiana was registered against only one accused person namely Taranjit Singh son of S. Harjit Singh, aged about 34 years, resident of House No.79, Block-E, Bhai Randhir Singh Nagar, Ludhiana, Punjab, on the basis of my statement and challan was also presented against him. The accused person namely Taranjit Singh is appearing before the court and no accused person has been declared PO. I have compromised the matter with the accused person namely Taranjit Singh son of S. Harjit Singh, aged about 34 years, resident of House No.79, Block-E, Bhai Randhir Singh Nagar, Ludhiana, with my free consent and voluntarily with the intervention of the respectables of our locality. I have no objection if the above captioned FIR is quashed against the accused person namely Taranjit Singh son of S. Harjit Singh, aged about 34 years, resident of House No.79, Block-E, Bhai Randhir Singh Nagar, Ludhiana. I have placed copy of my Adhar Card as my identity proof, the same is Ex.A1.”

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. 0041 dated 21.04.2017 under Section 498-A IPC, registered at Police Station, Women Police Commisionerate, Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 01.05.2018 (Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioner, within a period of one month from today with the **Post Graduate Institute of Medical Education and Research, Chandigarh** and the said amount would be spent for the treatment of poor patients within the knowledge of its Director. The petitioner shall produce a receipt with the Registry.

September 03, 2019
seema

(HARI PAL VERMA)
JUDGE

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