

252.

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

CRM-M-17821-2019

Date of decision: 05.08.2019

PARDEEP SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

ASI Amarjit Singh.

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.48 dated 15.06.2017 registered under Section 498-A of IPC at Police Station Mukandpur, SBS Nagar (Nawanshehar) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.03.2019 (Annexure P-2).

This Court vide order dated 22.04.2019 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, Shaheed Bhagat Singh Nagar and got their statements recorded. On the basis of the statements so recorded, learned

compromise has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Manpreet Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 22.05.2019. The same is reproduced as under:-

“Stated that I am resident of the above said address. The matter has been compromised with the accused namely Pardeep Singh S/o Pargan Singh R/o VPO Jagatpur Jattan, the Phagwara, Distt. Kapurthala. The compromise between the parties has been reduced into writing and photocopy of compromise between the parties is Mark-A. As per the said compromise I have received Rs.135000/- out of total compromise amount of Rs.270000/- and remaining 135000/- will be received by me at the time of recording final statement of the parties in the petition U/s 13 B of HMA pending in family court Jalandhar. I have received all the dowry articles and luggage. I identify my signatures on the said compromise. I signed on the same in the presence of the above said accused person. The said compromise is signed by me with free will and without any pressure for coercion. There is no other aggrieved person in the present case other than me. I do not want to pursue the present case against the accused person. There is one petition between the parties U/s 13 B of HMA is pending before the family court at Jalandhar.”

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***

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.48 dated 15.06.2017 registered under Section 498-A of IPC at Police Station Mukandpur, SBS Nagar (Nawanshehar) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 26.03.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

05.08.2019
sanjeev

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