

249.

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

CRM-M-17468-2019

Date of decision:05.08.2019

JASHANPAL SINGH AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

ASI Jagsir 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.2 dated 17.01.2017 registered under Sections 498-A, 406 of IPC (Section 313 IPC added lateron) at Police Station Women Cell, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.05.2018 (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, Bathinda and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.05.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any

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 was married to accused Jashanpal S/o Raghbir Singh R/o Ludhiana on 31.01.2016 and after marriage FIR No.02 dated 17.01.2017 under Section 498 A, 406, 313 IPC, Police Station Women Cell, Bathinda was got registered by me against the accused Jashanpal S/o Raghbir Singh, Raghbir Singh S/o Tara Singh and Balwinder Kaur W/o Raghbir Singh All R/o Ludhiana and now with the intervention of relatives and friends compromise was effected with the accused party and accused person filed a petition bearing No. CRM-M-17468-2019 before the Hon'ble High Court of Punjab and Haryana, Chandigarh, for quashing the above said FIR which is now pending before the Hon'ble High Court of Punjab and Haryana, Chandigarh, for 05.08.2019. I along with Jashanpal filed joint petition under section 13-B of the Hindu Marriage Act which is pending for final statement before the Hon'ble Principal Judge, Family Court, Bathinda, for 30.05.2019 and today I have received Demand Draft of Rs.2 lacs bearing No.074850 dated 21.05.2019 in my name drawn in Central Bank of India, Brown Road, Ludhiana and as per compromise accused Jashanpal has to pay the balance amount i.e. Rs.3 lacs at the time of recording of the statement of second motion before the Family Court in the form of Demand Draft. I have no objection if the above said FIR is quashed against the accused. I got recorded by my statement without any pressure and with my free will. ”

In view of the above, no useful purpose would be served to

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.2 dated 17.01.2017 registered under Sections 498-A, 406 of IPC (Section 313 IPC added lateron) at Police Station Women Cell, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 27.05.2018 (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 one month from today.

(HARI PAL VERMA)
JUDGE

05.08.2019
sanjeev

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