

248.

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

CRM-M-17458-2019

Date of decision:05.08.2019

NAVJIT SINGH AND ANR

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

SI Tarsem 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.28 dated 05.02.2019 registered under Sections 406, 498-A of IPC at Police Station Women, Police Commissionerate Ludhiana, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of statement/compromise dated 15.03.2019 (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 Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements

so recorded, learned Magistrate has submitted report dated 24.05.2019 to the effect that the compromise has been effected between the parties with their free will, voluntarily, without any sort of pressure, coercion and fear.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Navneet 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 got lodged FIR no.28 dated 05.02.2019, U/s 406 & 498-A of the IPC, P.S. Women, Ludhiana, against the accused persons namely Navjit Singh aged about 32 years S/o Late Manjit Singh and Satbir Kaur aged about 62 years Wd/o Manjit Singh, both R/o House no.1902, Urban Vihar, Phase-1, Ludhiana. Now, I have entered into compromise with the accused persons namely Navjit Singh aged about 32 years S/o Late Manjit Singh and Satbir Kaur aged about 62 years Wd/o Manjit Singh, out of my free will and without any sort of pressure and fear. As such, I do not want to pursue with the case against the above said accused persons as the mater has been compromised. I have no objection, if the said FIR is quashed against the above said accused persons namely Navjit Singh aged about 32 years S/o Late Manjit Singh and Satbir Kaur aged about 62 years Wd/o Manjit Singh. The petition U/s 13-B of HMA is pending in the court of Sh. R.K. Sharma, Ld. Additional Principal Judge, Ludhiana, for 18.09.2019 for recording second motion statement. Accordingly, I will not initiate any legal proceedings regarding the said FIR against the accused persons. Today I have brought my Aadhar card as proof of my identity and the photocopy of same is Ex.PA.”

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.28 dated 05.02.2019 registered under Sections 406, 498-A of IPC at Police Station Women, Police Commissionerate Ludhiana, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of statement/compromise dated 15.03.2019 (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