

267.

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

CRM-M-38293-2018

Date of decision:13.02.2019.

JARNAIL SINGH AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. B.S. Randhawa, Advocate,
for the petitioners.

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

Mr. Vipin Mahajan, 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.39 dated 30.06.2015 registered under Section 498A, 34, 406 of IPC at Police Station Behrampur, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.08.2018 (Annexure P-2).

Power of attorney filed on behalf of respondent No.2 in court today, is taken on record.

This Court vide order dated 04.09.2018 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. However, due to non-filing of process fee by the counsel for

the petitioners, parties could not appear before the trial Court for recording their statements and vide order dated 01.11.2018, parties were again directed to appear before the trial Court for recording their statements in terms of order dated 04.09.2018 passed by this Court.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Gurdaspur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.11.2018 to the effect that the parties have entered into compromise without any pressure, coercion, undue influence and with their free consent.

Respondent No.2-complainant, namely, Amandeep Kaur has made her statement with regard to compromise before learned Magistrate on 06.11.2018. The same is reproduced as under:-

“Stated that in the present case FIR no.39 dated 30.06.2015 P.S. Behrampur under sections 498A, 406 IPC read with 34 IPC was registered against accused Jarnail Singh son of Sarwan Singh, Harwant Kaur wife of Jarnail Singh and Jaskirat Singh son of Jarnail Singh all resident of Village Khode Bet, Tehsil Dera Baba Nanak, District Gurdaspur on the basis of my statement given to the police and now I have entered into compromise with the above said accused person out of my own free will and without any threat or coercion from any side and compromise has been entered with intervention of the respectable of village. I have no objection if the FIR in the present case is quashed qua the accused and I do not want to take any action against them.”

Learned State counsel as well as 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 FIR.

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.39 dated 30.06.2015 registered under Section 498A, 34, 406 of IPC at Police Station Behrampur, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 26.08.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.15,000/- to be deposited with the Legal Services Authority, Punjab.

(HARI PAL VERMA)

JUDGE

February 13, 2019

Jyoti-1 Whether speaking/reasoned Yes/No Whether reportable Yes/No