

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

265

CRM-M-39460-2018

Date of Decision:10.05.2019

Mohinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., 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.79 dated 30.12.2015 (Annexure P-1) under Sections 498-A, 406 IPC, registered at Police Station Rangar Nangal, District Batala, District Gurdaspur and all the consequential proceedings arising therefrom on the basis of affidavit dated 06.11.2017(Annexure P-2).

This Court vide order dated 19.11.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Sub-Divisional Judicial Magistrate, Batala. Statements of Surjit Singh son of Ajit Singh, who is holding General Power of Attorney on behalf of the petitioner-Mohinder Singh and complainant-respondent No.2-

Paramjit Kaur have been recorded before the Magistrate on 20.12.2018. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.01.2019 to the effect that the compromise effected between the parties is genuine, which is not the result of any pressure or coercion.

Respondent No.2-complainant, namely, Paramjit Kaur, has made a statement with regard to compromise before learned Magistrate on 20.12.2018. The same is reproduced as under:-

“Stated that the present FIR bearing No.79 dated 30.12.2015 under Section 498-A and 406 IPC, Police Station Rangar Nangal was registered against the accused person namely Mohinder Singh on my statement. Now, I have compromised the matter with above named accused person with the intervention of the respectables. I have no objection if the aforesaid FIR is quashed against the above said accused person. I have given my statement with my free will and without any coercion and any pressure. Copy of my Adhaar card is Ex.C1. Further, compromise effected between me and accused person is not having any adverse effect on the rights of any third party. No any other litigation/proceedings except mutual divorce petition under Section 13-B, Hindu Marriage Act is pending between me and accused person in any court of law. Except me there is no other injured or aggrieved person in the present FIR.”

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

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.79 dated 30.12.2015 (Annexure P-1) under Sections 498-A, 406 IPC, registered at Police Station Rangar Nangal, District Batala, District Gurdaspur and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of affidavit dated 06.11.2017(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 Poor Patients Welfare Fund, PGIMER, Chandigarh. He shall produce a receipt with the Registry.

May 10, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No