

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-40628-2018

Date of Decision:15.07.2019

Gurvinder Pal Singh Sethi and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Karan Singh, Advocate,
for the petitioners.**

Mr. Sukhbeer Singh, AAG, 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.0089 dated 28.07.2018 under Sections 406, 498-A IPC, registered at Police Station Phase-11, SAS Nagar, Mohali, Punjab (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 06.09.2018 (Annexure P-2).

This Court vide order dated 14.09.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. However, statement of the parties could not be recorded as they failed to appear before the learned Magistrate to get their statements recorded. Again vide order dated 28.03.2019, one more opportunity was granted to the parties to get their statement recorded, in

Magistrate was directed to forward the report to this Court.

Pursuant to the aforesaid order, parties have appeared before learned Addl. Chief Judicial Magistrate, SAS Nagar (Mohali) and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.05.2019 to the effect that the compromise appears to be genuine.

Though no one is present on behalf of respondent No.2- Mandeep Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 25.04.2019. The same is reproduced as under:-

“Stated that an FIR No.89 dated 28.7.18 U/S 406, 498-A IPC, PS Phase 11 Mohali was registered by me against my husband Gurvinder Pal Singh, father-in-law Jasbir Singh and my mother-in-law Ranjit Kaur.

That the dispute has been amicably resolved between me and my husband and in view of the same my husband has filed quashing petition before Hon'ble High Court bearing No.CRM-M-40628 of 2018 and in that quashing petition Hon'ble High Court has passed the order to appear today in the trial court to record statements of the parties.

The entire compromise amount has been received and nothing is due towards my husband. Today second motion statement before family court Mohali has been suffered by both the parties in petition u/s 13-B where I have received remaining 3 lacs from my husband through demand draft. I have no objection if the above said FIR is quashed qua all the petitioners.

I have brought my Aadhaar card regarding my Meerut address, which is Annexure C1. Thereafter, my address has changed to Mohali which is Annexure C2. ”

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 settlement, and it becomes 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 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.0089 dated 28.07.2018 under Sections 406, 498-A IPC, registered at Police Station Phase-11, SAS Nagar, Mohali, Punjab (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 06.09.2018 (Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

July 15, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No