

289.

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

CRM-M-20243-2019

Date of decision: 19.08.2019

PRINCE AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab,
for respondent No.1.

None for respondents No.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.93 dated 21.08.2017 registered under Sections 354-A, 379-B, 506, 323, 341, 34 of IPC at Police Station Haryana, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.03.2019 (Annexure P-2).

This Court vide order dated 03.05.2019 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 Additional District & Sessions Judge, Hoshiarpur and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 29.05.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Amarpreet Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 28.05.2019. The same is reproduced as under:-

“I am appearing today before this court, as directed by the Hon'ble High Court in the quashing petition i.e. CRM-M-20243-2019 vide order dated 3.5.2019, in the matter of case FIR No.93 dated 21.8.2017, under section 304-B, 379-B, 323, 506, 341 read with 34 IPC. I place on record the copy of Adhar Card. I am complainant/Prosecutrix/victim. With the intervention of village Panchayat and respectables of the village and area, I have compromised the matter with the accused party with free will, voluntarily without coercion, compulsion, pressure or undue influence. I have no objection if the FIR in this case is quashed. I have seen original compromise deed which bears my signature i.e. Ex. CX. The copy of the same is placed on record today by me.”

Apart from above, similar statement has been made by the husband of the complainant, arrayed as respondent No.3-Gurpreet Singh whereby he has shown no objection to the FIR being quashed.

Learned State counsel, on instructions from HC Balwan, states that investigation in the case has already been completed and challan has been presented for offence under Sections 354-A, 379-B, 506, 323 and 34 IPC.

In the statement of the complainant-Amarpreet Kaur so recorded by the learned Additional Sessions Judge, Hoshiarpur, it has been shown as if the FIR is registered under Section 304-B as well. However, considering it to be a case where challan has been presented under Sections 354-A, 379-B, 506, 323 and 34 IPC, this Court feels that it is a typographical error.

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.93 dated 21.08.2017 registered under Sections 354-A, 379-B, 506, 323, 341, 34 of IPC at Police Station Hariana, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 27.03.2019 (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.

A copy of this order be sent to the Additional Sessions Judge, Hoshiarpur for information. However, in case the learned Additional Sessions Judge finds that they have rightly pointed out the section in the statement of the complainant, an intimation be forwarded to this Court within one month from the date of receipt of copy of this order.

(HARI PAL VERMA)
JUDGE

19.08.2019
sanjeev

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