

287.

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

CRM-M-20089-2019

Date of decision: 19.08.2019

KHUSHWINDER PAL SINGH AND ANR

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Tejinderbir Singh, Advocate,
for the petitioners.

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

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.25 dated 24.12.2018 registered under Sections 406, 498A of IPC at Police Station Women Cell Mohali, District Mohali (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of statement/compromise dated 14.03.2019 (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 Chief Judicial Magistrate, SAS Nagar Mohali and got their

Magistrate has submitted report dated 24.06.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any threat or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Amrinder 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:-

“Stated that in the above mentioned FIR a compromise has been reached with the accused namely Khushwinder Pal Singh son of Sh. Iqbal Singh and Tarunjit Singh son of Sh. Iqbal Singh, Both residents of House no.82, Phase 1, Model Town, Bathinda (petitioners before the Hon'ble High Court). I have entered the compromise with the above said accused and accordingly, I along with accused Khushwinder Pal Singh had mutually filed divorce petition under Section 13-B of Hindu Marriage Act before the Ld. Court of Ms. Girish, Additional District Judge, SAS Nagar, Mohali on 25.03.2019 and my statement was recorded. The copy of the same is Ex.C1. Copy of my statement is Ex.C2. I admit the contents of the same. I have entered into compromise with the above-said accused voluntarily, without any threat or coercion and the same is genuine. I have brought copy of the Aadhar Card which is Annexure C3.”

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 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.25 dated 24.12.2018 registered under Sections 406, 498A of IPC at Police Station Women Cell Mohali, District Mohali (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of statement/compromise dated 14.03.2019 (Annexure P-2).

However, the parties shall remain bound by the terms of statement/compromise dated 14.03.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

19.08.2019
sanjeev

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