

247.

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

CRM-M-44363-2018

Date of decision:01.03.2019.

GURPAL SINGH AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Mayank Mathur, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, DAG, 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.100 dated 09.10.2013 registered under Sections 406, 498-A of IPC at Police Station Women, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.09.2018 (Annexure P-2).

This Court vide order dated 07.01.2019 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 Judicial Magistrate Ist Class, Patiala and got their statements

submitted report dated 31.01.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence and the same is the outcome of their free will and volition.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jagdeep Kaur, but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 29.01.2019. The same is reproduced as under:-

“Stated that I have compromised the matter with accused Gurpal Singh son of Sardool Singh, Sardool Singh son of late Raghbir Singh, Jasbir Kaur wife of Sardool Singh. The compromise dated 20.9.2018 was effected voluntarily and without any undue influence from any end and according to that compromise I alongwith Gurpal Singh have filed divorce petition under Section 13-B of HMA which is pending for 29.03.2019 for second statement and payment of Rs.5 lacs. I have no objection if FIR no.100 dated 09.10.2013 Under Section 406/498-A of IPC, P.S. Women Cell Patiala may kindly be quashed against Gurpal Singh son of Sardol Singh, Sardool Singh son of late Raghbir Singh, Jasbir Kaur wife of Sardool Singh. The present statement is given by me without any fear pressure or coercion and with my free consent. True copy of compromise is Ex.CX.”

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 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.100 dated 09.10.2013 registered under Sections 406, 498-A of IPC at Police Station Women, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 20.09.2018 (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.

(HARI PAL VERMA)
JUDGE

01.03.2019
sanjeev

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