

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

344

CRM-M-21297-2019

Date of Decision:26.08.2019

Kulwinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Ms. Sumati Jund, Advocate,  
for the petitioners.**

**Mr. Sukhbeer Singh, AAG, Punjab.**

**None for respondent No.2.**

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**HARI PAL VERMA, J.(Oral)**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.9 dated 18.01.2016 under Sections 406, 498-A, 120 IPC, registered at Police Station Machhiwara, District Khanna(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of statements dated 13.09.2018 and 18.03.2019 made in the petition filed under Section 13-B of the Hindu Marriage Act(Annexures P-2 & P-3).

This Court vide order dated 09.05.2019 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 Judicial Magistrate 1<sup>st</sup> Class, Samrala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.07.2019 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Though no one is present on behalf of complainant-respondent No.2-Kulbir 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 02.07.2019. The same is reproduced as under:-

*“Stated that the present case bearing FIR No.9 dated 18.01.2016, u/s 498-A, 406, 120-B IPC, P.S. Machhiwara Sahib, District Ludhiana was registered on my statement against accused/petitioners namely Kulwinder Singh son of Budh Singh, Budh Singh son of Bhagat Ram and Gurjeet Kaur wife of Budh Singh all residents of village Rashidpur, Tehsil Chamkaur Sahib, District Roop Nagar. Now, with the interventions of respectable and friends of both the parties, we have effected compromise with each other. The compromise is genuine, without any pressure or coercion, voluntary with my free consent and Will. I shall have no objection if the FIR and subsequent proceedings are quashed against the accused/petitioners. I have also no objection if accused/petitioners are discharged/acquitted.”*

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 complaint.

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.9 dated 18.01.2016 under Sections 406, 498-A, 120 IPC, registered at Police Station Machhiwara, District Khanna(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of statements dated 13.09.2018 and 18.03.2019 made in the petition filed under Section 13-B of the Hindu Marriage Act (Annexures P-2 & P-3).

August 26, 2019  
seema

(HARI PAL VERMA)  
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No