

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-45101-2018

Date of Decision:29.10.2019

Balwinder Kaur and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. P.L. Singla, Advocate,
for the petitioners.

Ms. Ambika Bedi, AAG, Punjab.

Mr. Salinder Kumar Saini, Advocate,
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.273 dated 10.12.2015 under Sections 498-A, 406, 506 IPC, registered at Police Station Phillaur, District Jalandhar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise/agreement dated 24.09.2018 (Annexure P-4).

Learned counsel for the petitioners has submitted that petitioner No.3-Gurmail Singh was earlier declared proclaimed offender and thereafter, he surrendered before the trial court and was admitted on bail.

Thereafter, again he has been declared proclaimed offender and is presently

living abroad, so as to earn his livelihood. He further states that he be permitted to withdraw the present petition qua petitioner No.3-Gurmail Singh, however, with liberty to file a fresh petition in case petitioner No.3 surrenders before the trial Court.

In view of the above, the present petition is dismissed as withdrawn with liberty, as aforesaid qua petitioner No.3-Gurmail Singh, who is husband of complainant-respondent No.2-Balwinder Kaur.

This Court vide order dated July 16, 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 1st Class, Phillaur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.09.2019 to the effect that the compromise effected between the parties is voluntarily and genuine one and the same is without any pressure or coercion.

Respondent No.2-complainant, namely, Balwinder Kaur, has made a statement with regard to compromise before learned Magistrate on 19.08.2019. The same is reproduced as under:-

“Stated that I have compromised with the accused Balwinder Kaur wife of Bhajan Singh, Bhajan Singh s/o Dhani Ram and Gurmail Singh s/o Bhajan Singh all resident of village Sarhali, Tehsil Phillaur, District Jalandhar. Copy of my Aadhar Card is Ex.C1, which is identified by my Counsel. The FIR in the present case was registered on my statement against Balwinder Kaur and Gurmail Singh. I have made my statement without any fear and pressure and the compromise is genuine, voluntary and without any coercion or undue influence and result of my own

free will. We will not take any action against each other in future. All the claims between me and all above accused have been settled and nothing is left between us. No any other case is pending between us. Only Gurmail Singh is declared PO in this case but I have also compromised the matter with him and he is now being represented by his father Bhajan Singh who is attorney of accused Gurmail Singh. I have no objection if the FIR and proceedings against above said accused namely Bhajan Singh, Balwinder Kaur and Gurmail Singh in this case FIR No.273 dated 10.12.2015 under section 498-A, 406, 506 of IPC, P.S. Phillaur is quashed. Copy of compromise is Ex.C2.”

Learned State counsel as well as learned counsel for respondent No.2 have 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.273 dated 10.12.2015 under Sections 498-A, 406, 506 IPC, registered at Police

proceedings arising therefrom are hereby quashed qua petitioner Nos.1 and 2 only on the basis of compromise/agreement dated 24.09.2018 (Annexure P-4).

October 29, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No