

230.

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

CRM-M-45842-2016

Date of Decision:09.01.2019

GURINDER SINGH AND ORS

...Petitioners

Versus

STATE OF PUNJAB AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Harkanwar Jeet Singh, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr.M.S. Sodhi, Advocate
for respondents No.3 and 4.

HARI PAL VERMA, J. (ORAL)

Petitioners have filed the present petition under Section 482 Cr.P.C for quashing the FIR No.17 dated 08.09.2015 registered under Sections 498-A, 406, 420 & 120-B IPC at Women Police Station Jagraon.

The aforesaid FIR was registered on the statement of respondent No.3-Harnek Singh who is the grandfather of respondent No.4-Jaspreet Kaur. Jaspreet Kaur is the wife of petitioner No.1-Gurinder Singh, and the real victim in the case.

Learned counsel for the petitioners has argued that better sense has prevailed between the parties and accordingly, a compromise/settlement deed dated 02.05.2016 (Annexure P-2) was entered into between the parties and as a result thereof, the petitioners had paid an amount of Rs.30 lakhs to

respondent No.3 and nothing is outstanding against the petitioners. Since the matter was virtually compromised between the parties, the police has prepared a cancellation report in the case on 11.08.2017 and submitted in the court of Illaqa Magistrate, Jagraon. Further on 16.12.2017, the complainant-Harneek Singh appeared in the court and made a statement that he has no objection if the cancellation report is accepted because his grand daughter-Jaspreet Kaur has already taken a divorce from Gurinder Singh (petitioner No.1 herein). However, since the offence under Section 498-A IPC was not compoundable, the same was not accepted.

The statement of Harneek Singh made before learned Judicial Magistrate on 16.12.2017 reads as under:-

“Stated that I have no objection on cancellation report of Police and my grand daughter Jaspreet Kaur have divorced with Gurinder Singh.”

At this stage, learned counsel appearing on behalf of respondents No. 3 and 4 states that he accepts the very compromise between the parties and fairly admits that respondents No.3 and 4 have received an amount of Rs.30 lakhs from the petitioners. Even divorce has been granted and as on date, nothing is outstanding against the petitioners. He has no objection in case the present petition is accepted and the FIR in question is quashed.

I have heard learned counsel for the parties.

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.

Since the compromise has been entered into between the parties which is signed by respondent No.3-Harnek Singh, who is the author of FIR, this Court finds that no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR. However, the terms of compromise read as under:-

“We Harnek Singh S/o Kartar Singh R/o Village Aitiana, PS Sudhar, Tehsil Raikot, Distt. Ludhiana.First Party.

Hardeep Singh son of Hardev Singh R/o Village Khera, PS Dehlon, Tehsil & Distt. Ludhiana ... Second Party and that on the statement of first party FIR No.17 dated 08.09.2015 u/s 498-A, 406, 420, 120-B. P.S. Mehlan, Jagraon was registered against second party Hardeep Singh and his son Gurinder Singh and his wife Paramjit Kaur and now with the intervention of respectables compromise is effected between us. That first party had received Rs.30 lacs from second party and no balance is left and now first do not want to take any legal/police action against the second party. That Jaspreet Kaur grand daughter of first party and Gurinder Singh son of second party both are living abroad. Both the parties will depose in each other favour for cancellation of the FIR. That no items are left with each other. That the compromise is effected with consent of parties. Both the parties have consented it as correct and signed. Compromise is written so that can be used when required.”

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 FIR No.17 dated 08.09.2015 registered under Sections 498-A, 406, 420 & 120-B IPC at Women Police Station Jagraon and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 02.05.2016 (Annexure P-2), however, that would be subject to payment of costs of Rs.30,000/- 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.

January 09, 2019

Jyoti-IV

**(HARI PAL VERMA)
JUDGE**

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