

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

261

CRM-M-46170-2018

Date of Decision:18.01.2019

Nirmaljeet Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Lakhwinder Singh Mann, Advocate,
for the petitioners.**

Mr. Jagmohan Ghuman, D.A.G., Punjab.

**Mr. H.S. Virk, 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.313 dated 21.09.2017 (Annexure P-1) under Sections 406, 498-A IPC, 1860, registered at Police Station Nakodar Sadar, Police Distt. Jalandhar Rural, District Jalandhar and all the consequential proceedings arising therefrom on the basis of the compromise dated 24.09.2018 (Annexure P-2).

This Court vide order dated 19.11.2018 had directed the parties to appear before the trial court/Illaq Magistrate 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 Sub-Divisional Judicial Magistrate, Nakodar and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.12.2018 to the effect that the parties have arrived at a compromise voluntarily.

Respondent No.2-Complainant, namely, Kulwant Kaur, has made a statement with regard to compromise before learned Magistrate on 03.12.2018. The same is reproduced as under:-

“I have come present in pursuance of order dated 19.11.2018 in CRM-M-46170/2018 of Hon'ble High Court to record my statement. I have entered into a compromise with 1. Nirmaljeet Singh (my husband) age 27 years S/o Harinder Singh, 2. Harinder Singh (father in law) age 65 years S/o Jarnail Singh both residents of Village Nangal Purdil, Tehsil Dist Jalandhar in case FIR No.313 dated 21.09.2017, under Sections 406/498-A of Indian Penal Code, PS Nakodar Sadar with my free will without any kind of pressure. We have already filed petition u/s 13-B of the Hindu Marriage Act, for dissolution of our marriage with mutual consent. I pray that FIR in question may kindly be quashed.”

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. FIR No.313 dated 21.09.2017 (Annexure P-1) under Sections 406, 498-A IPC, 1860, registered at Police Station Nakodar Sadar, Police Distt. Jalandhar Rural, District Jalandhar and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of the compromise dated 24.09.2018 (Annexure P-2), subject to payment of costs of ₹5,000/- to be paid by the petitioners, within a period of 15 days from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

January 18, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No