

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

350

CRM-M-21753-2019

Date of Decision:26.08.2019

Harwinder Singh @ Bittu @ Chhotu

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Amit Rana, 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.39 dated 12.04.2019 under Sections 498-A, 323 IPC, registered at Police Station Ghuman, Police District Batala, District Gurdaspur (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-deed dated 29.04.2019 (Annexure P-2).

This Court vide order dated 13.05.2019 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 1st Class, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.08.2019 to the effect that the parties have made an amicable settlement and have recorded their statements in the court without any fear, pressure, threat or coercion and out of their free will.

Respondent No.2-complainant, namely, Seema, has made a statement with regard to compromise before learned Magistrate on 08.07.2019. The same is reproduced as under:-

“Stated that the present case bearing FIR No.39 dated 12.04.2019 under Section 498-A & 323 of IPC, P.S. Ghuman was registered on my statement at Police Station Ghuman. The matter has been compromised with the accused with the intervention of respectables. We are living peacefully and we have no grudge against each other and I do not want to proceed against the accused namely Harwinder Singh son of Harbans Singh, resident of Village Dakoha, District Gurdaspur. Only one accused named above is arrayed in this FIR and accused has not been declared proclaimed offender. I have suffered this statement without any coercion, pressure or undue influence and with my own free will. I have no objection if the present FIR be quashed. Copy of my Aadhar Card is Ex.P1.”

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.39 dated 12.04.2019 under Sections 498-A, 323 IPC, registered at Police Station Ghuman, Police District Batala, District Gurdaspur (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise-deed dated 29.04.2019 (Annexure P-2).

August 26, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No