

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-21993 of 2019

Date of Decision: 19.08.2019

Sarbjit Singh & others

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. P.S. Khurana, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. N.S. Boparai, Advocate
for respondent no.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0002 dated 09.01.2019 under Sections 406, 498A IPC registered at Police Station Women Cell, Ludhiana, District Ludhiana (Annexure P-1) and consequential proceedings arising therefrom, on the basis of compromise dated 17.04.2019 (Annexure P-2).

This Court vide order 14.05.2019 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa

Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. Learned Magistrate has forwarded his report dated 11.06.2019 to the effect that the parties have compromised the matter out of their free will, voluntarily, without any sort of pressure, coercion and fear. The statement of complainant-Balvir Singh recorded on 28.05.2019 reads as under:-

“Stated that I got lodged FIR no.2 dated 09.01.2019, U/s 406& 498-A of the IPC, P.S.Women, Ludhiana, against the accused persons namely Sarbjit Singh aged about 70 years S/o Kirpal Singh, R/o Village Ghwaddi, District Ludhiana, Surinderjit Kaur aged about 70 years W/o Sarabjit Singh and Phalpinderjit Singh aged about 32 years S/o Sarbjit Singh both presently R/o 152 Redstone, Calgary, AB Canada. Now, I have entered into compromise with the above said accused persons out of my free Will and without any sort of pressure and fear. As such, I do not want to pursue with the case against the above said accused persons as the matter has been compromised. Copy of compromise is Ex.C1. As per compromise, I received two drafts bearing no.131885 and 131886 dated 17.04.2019 amounting to Rs.9 lacs each (in total 18 lacs) from accused Sarabjit Singh today in the court. I have no objection, if the said FIR is quashed against the above said accused persons. Accordingly, I will not initiate any legal proceedings regarding the said FIR against the above said accused persons. Today I have brought my Aadhar card

as proof of my identity and the photocopy of the same is Ex.PA. ”.

Though Mr. N.S. Boparai, Advocate, appearing on behalf of respondent no.2-complainant, does not dispute the statement so recorded by respondent no.2, however, he submits that some clothes etc. are still to be handed over to the complainant. The same were not made part of the compromise and the matter in this regard was orally discussed.

However, there is no such reference in the statement of respondent no.2. Therefore, this Court does not find any merit in the contention raised on behalf of respondent no.2 at this stage.

Learned State counsel does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, so arrived at between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303, this petition is allowed and FIR No.0002 dated 09.01.2019 under Sections 406, 498A IPC registered at Police Station Women Cell, Ludhiana, District Ludhiana (Annexure P-1) and consequential proceedings arising therefrom are quashed *qua* the petitioners, on the basis of compromise dated 17.04.2019 (Annexure P-2).

However, this will be subject to payment of costs of Rs.25,000/-, to be deposited with the Government Medical College and Hospital, Sector 32, Chandigarh within a period of one month from today and the said amount will be spent for the treatment of poor patients within the knowledge of the Director.

August 19, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No`