

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

294

CRM-M-22181-2019

Date of Decision:27.08.2019

Ram Karan Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Nagar Singh, Advocate for
Mr. G.S. Salana, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

None 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.3 dated 25.01.2019 under Sections 498-A, 406, 120-B IPC, 1860 and Sections 3 & 4 of the Protection of Women from Domestic Violence Act, 2005, registered at Police Station Women, District Ludhiana Rural(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise/statement (Annexure P-2).

Learned counsel for the petitioners states that the parties have compromised the matter and are staying together.

This Court vide order dated 15.05.2019 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 Judicial Magistrate 1st Class, Jagraon and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 31.07.2019 to the effect that the compromise appears to be voluntary and genuine.

Though no one is present on behalf of respondent No.2-complainant-Harjinder Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before the learned Magistrate on 24.07.2019. The same is reproduced as under:-

“Stated that an FIR No.3 dated 25.01.2019 u/s 498/406/120B of IPC and Section 3 & 4 of the Protection of Women from Domestic Violence Act, 2005, PS Women Cell, Jagraon, Ludhiana(R), lodged on my statement against accused Ram Karan Singh and Lakhwinder Singh @ Lucky Singh both sons of Late Ranjit Singh. Both resident of Guru Nanak Nagar, Barnala, PS City Barnala, Distt. Barnala. There is no other complainant or affected/aggrieved party other than me arrayed in the petition. I have compromised the matter with both the accused. The said compromise is genuine, voluntary and without any coercion or undue influence. We are now living peacefully together. Self attested photocopy of Aadhar Card of Harjinder Kaur is Ex.A1. There is no other case pending between the parties in any Court. I have no objection if the present FIR is quashed against both the accused.”

Learned State counsel has 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.3 dated 25.01.2019 under Sections 498-A, 406, 120-B IPC, 1860 and Sections 3 & 4 of the Protection of Women from Domestic Violence Act, 2005, registered at Police Station Women, District Ludhiana Rural(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise/statement(Annexure P-2).

August 27, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No