

255.

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

CRM-M-47471-2018

Date of decision:10.04.2019

GURCHARAN SINGH THROUGH SPA S. JAGTAR SINGH

... Petitioner

versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr. Parveen K. Kataria, 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 F.I.R. No.36 dated 18.03.2016 registered under Sections 406, 498-A, 494, 506, 120-B of IPC at Police Station Lopoke, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.09.2018 (Annexure P-2).

This Court vide order dated 18.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.03.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Respondent No.2-complainant, namely, Sharanjit Kaur has made her statement with regard to compromise before learned Magistrate on 20.02.2019. The same is reproduced as under:-

“Stated that an FIR No.36 dated 18.03.2016 at Police Station Lopoke, U/s 406/498/494/506/120-B of IPC was registered by me, against Gurcharan Singh S/o Jagtar Singh, aged 32 years, resident of village Panju Rai, Tehsil Ajnala, District Amritsar at present resident of Seven Hills, New South Wales, Australia through Special power of attorney holder S. Jagtar Singh son of Kashmir Singh, R/o Village Panju Rai, Tehsil Ajnala, District Amritsar, Jagtar Singh, Daljit Kaur, Lakhbir Singh, Amandeep Kaur, Prabhjit Kaur and Sarabhjit Singh. Now with the intervention of respectables and relatives, I have entered into compromise with the above mentioned accused Gurcharan Singh through Special power of attorney holder S. Jagtar Singh son of Kashmir Singh, without any force, undue influence, coercion but voluntarily, out of my own free will. The matter has been compromised between me, and the accused Gurcharan Singh through Special power of attorney holder S. Jagtar Singh son of Kashmir Singh, as such I do not want to proceed the present case against the above said accused. So, the present FIR No.36 dated 18.03.2016 at Police Station Lopoke, U/s 406/498/494/506/120-B of IPC against accused Gurcharan Singh may kindly be quashed. No other criminal case is pending against the accused Gurcharan Singh, except the present FIR. In the present case accused namely Gurcharan Singh, Jagtar Singh, Daljit Kaur, Lakhbir Singh, Amandeep Kaur, Prabhjit Kaur and Sarabhjit Singh are arrayed

in the present FIR. I have brought my original Aadhaar Card today in the court and self attested copy is ExC1.”

Counsel for the petitioner states that the statement of the petitioner Gurcharan Singh, who is residing in Australia, has been recorded through Special Power of Attorney S. Jagtar Singh.

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 FIR.

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.

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 F.I.R. No.36 dated 18.03.2016 registered under Sections 406, 498-A, 494, 506, 120-B of IPC at Police Station Lopoke, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of

subject to payment of costs of Rs.20,000/- 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.

(HARI PAL VERMA)
JUDGE

10.04.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No