

261.

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

CRM-M-47479-2018

Date of decision:12.03.2019.

KIRPAL SINGH & ANR

... Petitioners

versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Ms. Jaspreet Kaur, AAG, Punjab,
for respondent No.1.

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 F.I.R. No.33 dated 22.02.2018 registered under Sections 406, 498-A of IPC at Police Station Bhogpur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement dated 16.10.2018 (Annexure P-2).

This Court vide order dated 22.11.2018 had directed the parties to appear before the Illaqa Magistrate 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 learned Judicial Magistrate Ist Class, Jalandhar and got their statements

submitted report dated 08.03.2019 to the effect that the compromise has been effected between the parties without any pressure, coercion and undue influence.

Respondent No.2-complainant, namely, Navjot Kaur has made her statement with regard to compromise before learned Magistrate on 05.01.2019. The same is reproduced as under:-

“I have brought my original Adhaar Card. Photocopy of the same is Ex.C1. I had got a FIR bearing no.33 dt. 22.02.2018 u/s 406/498-A P.S. Bhogpur District Jalandhar registered against Kripal Singh son of Labh Singh and Harwinder Singh Kaloti s/o Kripal Singh both r/o Village Khunkhun Kala Tehsil Dasua P.S. Tanda District Hoshiarpur. I have appeared in the mediation center at Chandigarh in the Hon'ble Punjab and Haryana High Court where the compromise has been effected with the above said accused on 16.10.2018. My father in law Kirpal Singh being the attorney of my husband Harwinder Singh Kaloti had given the statement regarding the compromise. I admit the compromise has correct. The compromise is genuine and has been executed by me without any coercion from any side. I do not have any objection in case as per compromise the FIR is quashed against the said accused. I shall withdraw all my litigations against the above said accused which is pending in the Courts at Jalandhar. The self attested correct copy of the compromise where I identify my signatures is Ex.C4. As per compromise today I have received demand draft of Rs.3 Lakh bearing no.308194 dated 15.12.2018 of Punjab national Bank branch Khuda Hoshiarpur. ”

Vide order dated 22.11.2018, the contention of the counsel for the petitioners was recorded that petitioner No.2-Harwinder Singh Kaloti is stated to be abroad and he has given General Power of Attorney to petitioner No.1-Kirpal Singh, who is father of petitioner No.2.

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 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.33 dated 22.02.2018 registered under Sections 406, 498-A of IPC at Police Station Bhogpur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement dated 16.10.2018 (Annexure P-2), however, that would be 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

12.03.2019
sanjeev

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