

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

258+121

CRM-M-47518-2018 (O&M)

Date of Decision:08.07.2019

Gurjaipal Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Siddharth Sharma, Advocate,
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Complainant-respondent No.2 in person.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.146 dated 28.03.2003 under Sections 406, 498-A, 120-B IPC, registered at Police Station Haibowal, Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 08.02.2019.

Initially, the present petition was filed under Section 482 Cr.P.C. for quashing of FIR on merits. However, vide subsequent application bearing CRM-38824-2018, petitioners had filed an affidavit dated 26.10.2018 (Annexure A-1) submitted by respondent No.2-Vinika stating therein that she does not want to proceed further in the case as the matter has been compromised between the parties.

This Court vide order dated 11.01.2019 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, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.03.2019 to the effect that the compromise appears to be genuine and without any pressure or coercion in any manner.

Respondent No.2-complainant, namely, Vinika, has made a statement with regard to compromise before learned Magistrate on 08.02.2019. The same is reproduced as under:-

“Stated that on my statement FIR No.146 dated 28.03.2003, u/s 406/498-A/120-B IPC, PS Haibowal was registered against accused Gurjaipal Singh, Shaminder Pal Singh and Santosh Rani. Total three persons arrayed as accused in this FIR. There is no proclaimed offender in this case. Since, I have arrived at a compromise with accused persons and as such I have no objection if the aforesaid FIR may be quashed against the above said accused persons. Copy of compromise dated 08.02.2019 is Ex.C1. I have made this statement voluntarily without any fear, pressure and coercion.”

Learned State counsel has submitted that the Investigating Officer has not come present to assist him.

Learned counsel for the petitioners has argued that petitioner No.3-Santosh Rani is 70 years of age and is confined to bed, whereas petitioner No.2-Shaminder Pal Singh is presently posted in Mumbai as a Director, Regulatory Pepsi Co.

Though as per report submitted by learned Magistrate,

statements of petitioner No.2-Shaminder Pal Singh and petitioner No.3-Santosh Rani, who are brother-in-law and mother-in-law of respondent No.2, respectively could not be recorded as they could not be present before the trial court, however, the statement made by the complainant-respondent No.2 reveals that the matter has been settled amicably between the parties.

Respondent No.2-Vinika who is identified by learned counsel for the petitioners of course on the identification of petitioner No.1-Gurjaipal Singh who is also present in the Court, has been interacted. She states that she has no objection if the present FIR is quashed qua all the accused as the matter has been amicably resolved between the parties.

I have considered the matter and the fact that petitioner No.1-Gurjaipal Singh and respondent No.2-Vinika are staying together as a husband and wife, this Court finds that continuation of proceedings in the FIR is nothing but an abuse of process of law.

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.146 dated 28.03.2003 under Sections 406, 498-A, 120-B IPC, registered at Police Station Haibowal, Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 08.02.2019.

CRM-14898-2019

In view of the order of even date passed in CRM-M-47518-2018, no further orders are required to be passed in the present application.

Dismissed.

July 08, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No