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

CRM-M-46714-2017

Date of Decision:11.02.2019

SATVEER SINGH @ ROSHAN AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vinod K. Kaushal, Advocate
for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

Mr. Subhash Chand, Advocate for
Mr. Vaibhav Narang, 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 FIR No.49 dated 31.05.2016 under Sections 498A, 420, 342, 506, 120-B, 148, 149 of IPC registered at Police Station Raja Sansi, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 31.08.2017 (Annexure P-2).

This Court vide order dated 11.12.2017 had directed the parties to appear before the trial Court/Illaq Magistrate on 21.12.2017 to get their statements recorded with regard to the compromise and the learned trial Court was directed to send its report qua the genuineness of the compromise however, parties could not appear. Again vide order dated 19.01.2018,

parties were directed to appear before the trial Court/Illaq Magistrate on 29.01.2018 or any date convenient to the Magistrate for recording their statements.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Ajnala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.02.2018 to the effect that the compromise is genuine and has been effected between the parties without any threat, coercion or undue influence.

Respondent No.3-complainant, namely, Kuldeep Singh has made his statement with regard to compromise before learned Magistrate on 21.02.2018. The same is reproduced as under:-

“The present case bearing FIR No.49 dated 31.05.2016 registered with police station Raja Sansi, District Amritsar rural, under Sections 498-A, 420, 342, 506, 120-B, 148, 149 IPC, has been got registered by me against Satveer Singh @ Roshan S/o Gurmit Singh, Gurmeet Singh son of Nishal Singh, Kulwinder Kaur w/o Gurmeet Singh, Happy @ Jasbir Singh son of Gurmeet Singh, resident of Adda Amousi Station, Lucknow, Uttar Pardesh, Maninder Kaur @ Soni w/o Ram Pal Singh, Ram Pal Singh son of Shabeg Singh, both residents of village Dhinohari, Dahnori, Lucknow, Uttar Pradesh and Gurbhej Singh @ gora son of Raghbir Singh, Pandher Kalan, Fatehgarh Churian Road, Batala. Now with the intervention of the respectables of the society, a compromise has been effected between the petitioner and respondents i.e. complainant party and the accused party. I am giving this statement today in the Court without any threat, coercion or undue influence and with my own free will. It is further submitted that the present case has been registered only against Satveer Singh @ Roshan S/o

Gurmit Singh, Gurmeet Singh son of Nishal Singh, Kulwinder Kaur w/o Gurmeet Singh, Happy @ Jasbir Singh son of Gurmeet Singh, resident of Adda Amousi Station, Lucknow, Uttar Pardesh, Maninder Kaur @ Soni w/o Ram Pal Singh, Ram Pal Singh son of Shehbeg Singh, both the residents of village Dhinohari, Dahnori, Lucknow, Uttar Pardesh and Gurbhej Singh @ gora son of Raghbir Singh, Pandher Kalan, Fatehgarh Churian Road, Batala and apart from them, no other person has been arrayed as accused in the present case. No person has been declared as proclaimed offender. I have brought my Aadhar Card today in the court showing my identity and copy of the same is Mark B. I have no objection if the above said FIR be quashed (Original seen and returned)."

Apart from above, a similar statement has been made by respondent No.2-Gurparsan Kaur whereby she has shown no objection in case the FIR is quashed.

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise entered 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.

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 FIR No.49 dated 31.05.2016 under Sections 498A, 420, 342, 506, 120-B, 148, 149 of IPC registered at Police Station Raja Sansi, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise effected between the parties dated 31.08.2017 (Annexure P-2), however, that would be subject to payment of costs of Rs.25,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

(HARI PAL VERMA)

JUDGE

February 11, 2019

Whether speaking/reasoned Yes/No Whether Reportable Yes/No

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