

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

281

CRM-M-22468-2019

Date of Decision:05.09.2019

Gagandeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. SPS Aulakh, Advocate,
for the petitioner.

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.86 dated 27.07.2015 under Sections 406 & 498-A IPC, registered at Police Station Women Cell, Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-deed dated 03.05.2019(Annexure P-3).

This Court vide order dated 16.05.2019 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, the parties have appeared before learned Judicial Magistrate 1st Class, Ludhiana and got their statements recorded. On the basis of the statement so recorded, learned

Magistrate has submitted report dated 15.06.2019 to the effect that the parties have entered into compromise without any pressure, coercion and with their free consent.

Though no one is present on behalf of respondent No.2-complainant-Kulwinder Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 10.06.2019. The same is reproduced as under:-

“That the preset criminal case FIR No.86 of 27.07.2015 U/s 406, 498-A IPC PS Women Cell, Ludhiana was registered on the basis of complaint moved by me. The FIR was registered against my husband Gagandeep Singh s/o Raj Kumar. During pendency of this case, a compromise has been effected between the parties which was reduced in writing in the shape of compromise. They copy of compromise is already produced in the quashing petition no.CRM-M-22468-2019 before the Hon'ble High Court of Punjab and Haryana. The said compromise has been effected between the parties with their free will and without any coercion or undue influence of any person. We have already filed a divorce petition u/s 13-B of HMA with mutual consent which is pending before the Court of Sh. Ajaib Singh, ADJ, Ludhiana. I have no objection, if the present FIR be quashed/disposed off in view of compromise effected between the parties. Today I have brought my original aadhar card and photocopy of the same is EX.CX1.”

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)***

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.86 dated 27.07.2015 under Sections 406 & 498-A IPC, registered at Police Station Women Cell, Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise-deed dated 03.05.2019(Annexure P-3), subject to payment of costs of ₹10,000/- to be paid by the petitioner, within a period of one month from today with the **Post Graduate Institute of Medical Education and Research, Chandigarh** and the said amount would be spent for the treatment of poor patients within the knowledge of its Director. The petitioner shall produce a receipt with the Registry.

September 05, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No