

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-49313-2018

Date of Decision:25.01.2019

Gurbhajan Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Sukhjit Singh, Advocate for
Mr. Jagan Nath Bhandari, Advocate,
for the petitioners.**

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

**Mr. G.S. Brar, Advocate for
Mr. Satish Mishra, 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.9 dated 29.08.2018 (Annexure P-1) under Section 498-A IPC, registered at Police Station NRI, District Bathinda, Punjab and all the consequential proceedings arising therefrom on the basis of compromise dated 29.10.2018 (Annexure P-2).

Learned counsel for the petitioners has argued that compromise dated 29.10.2018 (Annexure P-2) has been arrived at between the parties and as a consequence thereof, petitioner No.2-Kulwinder Singh and respondent No.2-Amandeep Kaur are residing together as husband and wife.

Since petitioner No.2 was not able to come to India personally to make a statement in support of the compromise, he has executed a power of

attorney dated 19.10.2018 in favour of petitioner No.1-Gurbhajan Singh, who has been authorized to appear, to give statements, to furnish proof, to adduce evidence and to file applications of all kinds in revenue, civil and criminal courts or offices, to compromise to file written statements, replications etc.

This Court vide order dated 12.11.2018 had directed the parties to appear before the trial court to get their statements recorded and the learned trial court was further directed to forward its report as regards the genuineness of the compromise entered between the parties.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Bathinda and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted a report dated 18.12.2018 to the effect that the compromise effected between the parties appears to be genuine and voluntary. The statements have been suffered by the parties out of their free will and same are not the result of any pressure, undue influence or coercion in any manner and the compromise is valid. No PO proceedings are pending against any of the parties. The statement made by respondent No.2-complainant, namely, Amandeep Kaur with regard to compromise before learned Magistrate on 11.12.2018, reads as under:-

“I have brought my Adhar Card to prove my identity and placed on record self attested copy of the same.

I am complainant of case FIR No.9 dated 29.8.2018, under Section 498-A IPC, Police Station NRI, Bathinda, registered against the accused-petitioners namely Gurbhajan Singh & Kulwinder Singh, who is represented through his father being power of attorney. With the intervention of common relatives and respectable persons, I have arrived at compromise with the above named accused-petitioners, without any pressure or coercion. The

compromise is genuine and voluntarily and the same is in the interest of the parties. Regarding the compromise, the accused-petitioners have filed a petition before Hon'ble High Court, CRM-M-49313-2018, for quashing the aforesaid FIR registered against them. I have no grudge against the accused/petitioners. I do not want to proceed with present case against the accused and have no objection if FIR No.9 dated 29.8.2018, under Section 498-A IPC, Police Station NRI, Bathinda, registered against the accused-petitioners, is quashed."

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

Considering the fact that petitioner No.2-Kulwinder Singh and respondent No.2-Amandeep Kaur are now living together as husband and wife in Australia and more particularly when, petitioner No.1 has come forward to depose in favour of compromise, this Court finds that the FIR in question deserves to be quashed.

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

(2012) 10 SCC 303 also, in the light of *Gold Quest International Private Limited's case (supra)*, this petition is allowed and FIR No.9 dated 29.08.2018 (Annexure P-1) under Section 498-A IPC, registered at Police Station NRI, District Bathinda, Punjab and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 29.10.2018 (Annexure P-2), subject to payment of costs of ₹20,000/- to be paid within 15 days from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. The petitioners shall produce a receipt with the Registry.

January 25, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No