

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

272

CRM-M-23548-2019

Date of Decision:30.09.2019

Sikander Ali and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Harshit Singla, Advocate for
Mr. Vikram Preet Arora, Advocate,
for the petitioners.**

Mr. Sukhbeer Singh, AAG, 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.37 dated 02.03.2019 under Sections 406, 498-A IPC, registered at Police Station Phase-I, Mohali, District Mohali(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 08.03.2019(Annexure P-2).

This Court vide order dated 24.07.2019 had directed the parties to appear before the 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 Chief Judicial Magistrate, SAS Nagar, Mohali and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 20.08.2019 to the effect that the compromise has been effected between the parties out of their free will and without any coercion and the same is genuine, voluntary and without any coercion or undue influence.

Though no one is present on behalf of respondent No.2-complainant-Rajwinder 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 13.08.2019. The same is reproduced as under:-

“Stated that in the above mentioned FIR was lodged by me in which a compromise has been reached with the accused namely Sikander Ali son of Gurdev Singh, R/o Village Rampur, District Fatehgarh Sahib and Gurdev Singh son of Jani Khan, R/o Village Rampur, District Fatehgarh Sahib (accused in the present case and petitioners before the Hon'ble High Court). The copy of compromise dated 08.03.2019 is Ex.C1 (original seen and returned) on which I have identified my signatures. I have entered the compromise with the above said accused voluntarily, without any threat or coercion and the same is genuine. I have no objection if the accused namely Sikander Ali and Gurdev Singh, be acquitted from the case. My Aadhar card is Ex. C2 (original seen and returned).”

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 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.37 dated 02.03.2019 under Sections 406, 498-A IPC, registered at Police Station Phase-I, Mohali, District Mohali(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 08.03.2019(Annexure P-2).

September 30, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No