

CRM-M-23837-2019

1

273

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23837-2019

Date of decision:12.07.2019

Sarabjit Singh

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Sumanjit Kaur, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.
for respondent No.1.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.46 dated 08.09.2011 registered under Sections 406 and 498-A of IPC at Police Station Naya Gaon, District SAS Nagar, Mohali (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.05.2019 (Annexure P-2).

This Court vide order dated 23.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, SAS Nagar, Mohali and got their statements recorded. On the basis of the statements so recorded, learned

CRM-M-23837-2019

2

Magistrate has submitted report dated 04.07.2019 to the effect that the compromise effected between the parties is genuine, voluntarily and without any pressure or undue influence.

Respondent No.2-complainant, namely, Sarita has made her statement with regard to compromise before learned Magistrate on 06.06.2019. The same is reproduced as under:-

“Stated that FIR No.46 dated 08.09.2011 Under Sections 406 and 498-A IPC, PS Naya Gaon, Mohali was registered by me against Sarabjit Singh s/o Surinder Singh, r/o 858/13, Kabir Nagar, New Jain College Road, Ambala City. I have effected a compromise with the accused Sarabjit Singh. I have received a DD No. 501650 dated 21.05.2019 for Rs.10 lacs from Sarabjit Singh today as per settlement/agreement dated 17.05.2019. I do not want to pursue with the present FIR case. I have no objection in case the FIR registered against above named accused is quashed. The above said compromise was effected by me with my free will without any pressure and coercion.”

Learned State counsel as well as learned counsel for respondent No.2, who is not present today, have not disputed the factum of compromise between the parties.

Learned counsel for the petitioner has apprised the Court that though initially the petitioner was declared proclaimed offender but vide order dated 23.05.2019 passed in CRM-M-6403-2019, he was directed to surrender before the trial Court and trial Court was directed to further admit him on bail subject to furnishing bail bonds and surety bonds to its satisfaction. The petitioner, accordingly, has surrendered before the trial Court and has been admitted to bail. Now the matter has been compromised between the parties.

CRM-M-23837-2019

3

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

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.

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* 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 F.I.R. No.46 dated 08.09.2011 registered under Sections 406 and 498-A of IPC at Police Station Naya Gaon, District SAS Nagar, Mohali (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 17.05.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

12.07.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No