

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

294

CRM-M-24368-2019

Date of Decision:20.09.2019

Ravinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Damanjit Singh Sandhu, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Charanjit Singh, Advocate,
for complainant-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.115 dated 17.12.2017 under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 04.05.2019(Annexure P-2).

Learned counsel for the petitioner states that the parties are residing together as husband and wife. This fact is not disputed by learned counsel for the complainant-respondent No.2.

This Court vide order dated 27.05.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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 1st Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 16.09.2019 to the effect that the matter has been compromised between the parties voluntarily and the same is genuine.

Respondent No.2-complainant, namely, Mandeep Kaur, has made a statement with regard to compromise before learned Magistrate on 22.07.2019. The same is reproduced as under:-

“Compromise has been effected between me and accused namely Ravinder Singh Son of Bijender Singh R/o H. No.16-2-147/416, Vijetha Raja Castie, Second Floor, Flat No.202, Dayanand Nagar, Malkpet, Akbar Bagh Hyderabad in the FIR No.115 dated 17.12.2017 u/s 406/498A IPC, PS Women Cell, Ludhiana. I have given statement today in the court voluntary, coercion and undue influence. I have no objection if the accused namely Ravinder Singh be acquitted in this case.”

Learned State counsel as well as learned counsel for respondent No.2 have 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.115 dated 17.12.2017 under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Ludhiana (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 04.05.2019(Annexure P-2).

September 20, 2019

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No