

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

263

CRM-M-52328-2018

Date of Decision:18.01.2019

Rajinder Singh Dhillon and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Iqbal Singh Mann, Advocate,
for the petitioners.

Mr. Jagmohan Ghuman, D.A.G., Punjab.

Mr. G.S. Hayer, Advocate,
for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.72 dated 28.05.2015 (Annexure P-1) under Sections 420, 406, 498-A, 120-B IPC, registered at Police Station City, Sri Muktsar Sahib and all the consequential proceedings arising therefrom on the basis of the compromise dated 07.08.2018 (Annexure P-2).

This Court vide order dated 28.11.2018 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, parties have appeared before learned Chief Judicial Magistrate, Sri Muktsar Sahib and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 15.12.2018 to the effect that the parties have arrived at a compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. The compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations.

Respondent No.2-victim, namely, Nipneet Kaur, has made a statement with regard to compromise before learned Magistrate on 04.12.2018. The same is reproduced as under:-

“Stated that FIR No.72, dated 28.05.2015, U/S 420, 406, 498-A, 120-B of IPC, P.S.City, Sri Muktsar Sahib was registered against Rajinder Singh Dhillon, Mohinder Kaur and Sarabjot Singh Dhillon on application of my father Daljit Singh Brar. Now the matter has been compromised with the intervention of the respectables amicably, all the articles and money mentioned in the compromise has been received by us. The compromise has been effected voluntarily, without any coercion, fraud or misrepresentation and with the free will of the parties. There is no other accused in the present case except above named accused. Now no P.O. Proceedings are pending against any of the accused or any P.O. proceedings are pending against me, my father Daljit Singh Brar and mother Gurinder Kaur. I have no objection if the FIR No.72, dated 28.05.2015, U/S 420, 406, 498-A, 120-B of IPC, P.S.City, Sri Muktsar Sahib is quashed .”

Apart from above, a similar statement has also been made by respondent No.3-complainant-Daljit Singh Brar, who is father of the victim, whereby he has shown no objection to the present FIR being quashed.

Learned State counsel as well as learned counsel for respondent Nos.2 and 3 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to

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. FIR No.72 dated 28.05.2015 (Annexure P-1) under Sections 420, 406, 498-A, 120-B IPC, registered at Police Station City, Sri Muktsar Sahib and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 07.08.2018 (Annexure P-2), subject to payment of costs of ₹20,000/- to be paid by the petitioners, within a period of 15 days from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

January 18, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No