

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

269

CRM-M-24929-2019

Date of Decision:25.09.2019

Jaspreet Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Kunal Vinayak, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Sachin Sharma, 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.0074 dated 12.04.2018 under Sections 498-A, 406 IPC, registered at Police Station City Gurdaspur, Gurdaspur(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 20.05.2019(Annexure P-2).

Learned counsel for the petitioners states that petitioner No.1 and respondent No.2 have resolved their disputes and now they are staying together as husband and wife. This fact is not disputed by learned counsel for the complainant-respondent No.2.

This Court vide order dated 29.05.2019 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, the parties have appeared before learned Chief Judicial Magistrate, Gurdaspur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 01.08.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Jaspreet Kaur, has made a statement with regard to compromise before learned Magistrate on 24.07.2019. The same is reproduced as under:-

“States that the matter has been compromised between me and accused Jaspreet Singh son of Jagjit Singh, Amritpal Kaur wife of Jagjit Singh, Jagjit Singh son of Saroop Singh all residents of H.No.256, Shiwala Colony, Amritsar, Tehsil and District Amritsar. The compromise has been entered into out of our free will without any pressure, coercion or misrepresentation. There is only 3(three) accused arrayed in the present case i.e. FIR No.0074 dated 12.04.2018, Under Section: 498-A, 406 IPC, P.S. City Gurdaspur. That accused have never been declared Proclaimed Person in the present case. That no other case is pending between me and accused persons. Except for me, there is no other complainant or affected/aggrieved person in this case.

I have no objection in case the FIR against aforementioned accused is quashed. Copy of the ID Card of police department is Ex.C1/A.”

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.0074 dated 12.04.2018 under Sections 498-A, 406 IPC, registered at Police Station City Gurdaspur, Gurdaspur(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 20.05.2019(Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients' Welfare Fund of **Post Graduate Institute of Medical Education and Research, Chandigarh**. The petitioners shall produce a receipt with the Registry.

September 25, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No