

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

293

CRM-M-24194-2019

Date of Decision:20.09.2019

Balraj Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Balbir Singh Jaswal, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

None 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.103 dated 04.12.2013 under Sections 406, 498-A IPC, registered at Police Station Fattu Dyinga, District Kapurthala (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise/affidavit dated 04.04.2019(Annexure P-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, Sultanpur Lodhi and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 08.08.2019 to the effect that the compromise effected between the parties is genuine, voluntary, without any threat, pressure, coercion or undue influence.

Though no one is present on behalf of respondent No.2-complainant-Manpreet Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before the learned Magistrate on 23.07.2019. The same is reproduced as under:-

“Stated that I have compromised the matter with petitioners/accused Balraj Singh age 45 years s/o Kashmir Singh, r/o Rishi Vihar, Phase-2, House No. 59, Majitha Road, Amritsar, voluntarily without any pressure, threat or coercion. Compromise has been arrived at between me and accused person without having any inducement, threat or coercion with the intervention of respectables of the locality and our relatives, to keep harmony amongst the parties. I have no objection, if the present FIR against petitioners/accused be quashed.”

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.

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.103 dated 04.12.2013 under Sections 406, 498-A IPC, registered at Police Station Fattu DHINGA, District Kapurthala (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise/affidavit dated 04.04.2019(Annexure P-2).

September 20, 2019

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No