

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

291

CRM-M-52719-2018

Date of Decision:13.09.2019

Hardeep Singh

.....Petitioner

Versus

Union Territory, Chandigarh and another

.....Respondents

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

**Present: Ms. Renu Rishi Gautam, Advocate,
for the petitioner.**

**Mr. Parveen Chauhan, Advocate for
Mr. Gagandeep S. Wasu, APP, U.T., Chandigarh.**

**Mr. Chanderdeep Singh, 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.93 dated 07.10.2016 under Sections 406, 498-A IPC, registered at Women Police Station Sector-17, Chandigarh (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 21.08.2018(Annexure P-2).

This Court vide order dated 11.07.2019 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, Chandigarh and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.08.2019 to the effect that the compromise effected between the parties is without any coercion or undue influence and the same is genuine and voluntary.

Respondent No.2-complainant, namely, Gursimran Kaur, has made a statement with regard to compromise before learned Magistrate on 07.08.2019. The same is reproduced as under:-

“In compliance of order dated 11.07.2019 passed by Hon'ble Punjab & Haryana High Court in CRM-M-52719-2018, I record my statement:

Stated that I got the above said FIR registered against the accused Hardeep Singh aged 27 years, son of Sh. Mewa Singh, resident of Village and Post Office, Dayalpur, Tehsil Derabassi, District SAS Nagar, Mohali, Punjab. Now with the intervention of well wishers, common friends and respectable persons, I have amicably settled my disputes with the accused namely Hardeep Singh. The copy of compromise-deed is Ex.C1. Compromise has been effected voluntarily, genuine and without any coercion or undue influence in any manner from any side. This compromise is voluntary and genuine and now I have no grudge against the above named accused, who is only accused and has not been declared proclaimed offender. The FIR in question is against Hardeep Singh. I have no objection, if the present FIR is quashed as per the settlement. I affirm the contents of the settlement agreement Ex.CI.”

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***

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.93 dated 07.10.2016 under Sections 406, 498-A IPC, registered at Women Police Station Sector-17, Chandigarh (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 21.08.2018(Annexure P-2), subject to payment of costs of Rs.10,000/- to be paid by the petitioner, within a period of one month from today with the **Govt. Medical College and Hospital, Sector-32, Chandigarh** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent. The petitioner shall produce a receipt with the Registry.

September 13, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No