

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

280

CRM-M-24829-2019

Date of Decision:29.08.2019

Rajwinder Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Yashjot S. Dhaliwal, Advocate,
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Umaid Singh Mann, 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.18 dated 10.10.2018 under Sections 406, 498-A IPC, registered at Police Station Women Cell, District SAS Nagar, Mohali (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 27.11.2018 (Annexure P-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 trial court 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, Mohali and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.08.2019 to the effect that the compromise is correct and has been effected voluntarily, without any pressure, coercion or undue influence. In these circumstances, it seems that genuine compromise has been effected between the parties.

Respondent No.2-complainant, namely, Chanpreet Kaur, has made a statement with regard to compromise before learned Magistrate on 08.07.2019. The same is reproduced as under:-

“Stated that I had got lodged present FIR against accused Rajwinder Singh son of Late Karamjeet Singh r/o House No.2632, Old Sunny Enclave, Sector 125, Mohali and Jaspal Kaur wife of late Karamjeet Singh r/o House No.2632, Old Sunny Enclave, Sector 125 Mohali. Now with the intervention of the respectable persons of the society, I have compromised the matter with the abovesaid accused persons. Now we have no grudge against each other. The compromise has been effected without any undue influence, pressure or coercion. I have no objection if the abovesaid FIR no.18 dated 10.10.2018 under Sections 406, 498-A of IPC, PS Women Cell, Mohali is quashed against the accused persons. I have also obtained decree of mutual divorce dated 10.05.2019 from the Court of Ms. Girish, ADJ, Mohali. Nobody is P.O. In the present FIR.”

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)***

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.18 dated 10.10.2018 under Sections 406, 498-A IPC, registered at Police Station Women Cell, District SAS Nagar, Mohali(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 27.11.2018 (Annexure P-2), subject to payment of costs of ₹5,000/- to be paid by the petitioners, within a period of one month from today with the **Poor Patients Welfare Fund, PGIMER, Chandigarh**. The petitioners shall produce a receipt with the Registry.

August 29, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No