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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-53448-2018

Date of decision:22.01.2019.

DAVINDER SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr. Vikram Singh Kang, Advocate, for
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.177 dated 29.10.2014 registered under Sections 498A/406 IPC at Police Station City Batala, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 13.11.2018 (Annexure P-2).

This Court vide order dated 04.12.2018 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 Ist Class, Batala and got their statements

submitted report dated 17.12.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any undue influence, coercion or threat.

Respondent No.2-complainant, namely, Ranjana made her statement with regard to compromise before learned Magistrate on 10.12.2018. The same is reproduced as under:-

“Stated that the present case having FIR No.177 dated 29.10.2014, under Sections 498-A, 406 of Indian Penal Code, registered at Police Station City, Batala, Police District, Batala, District Gurdaspur was registered against the accused/petitioner Davinder Singh son of Mewa Singh, resident of Village Kaler Khurd, P.S. Sekhwan, District Gurdaspur on my statement. Now I have compromised the matter with accused (petitioner) with the intervention of the respectables. I have no objection, if the present FIR may be quashed qua the above-said accused. I have given my statement with my free will and without any coercion and any pressure. No any other litigation/proceeding is pending between me and accused persons in any court of law. I have not been declared proclaimed person/offender by any court of law.”

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 the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered

conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C. read with Article 226 of the Constitution.

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** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303** as also in the light of **Gold Quest International Private Limited's case** (*supra*), this petition is allowed and F.I.R. No.177 dated 29.10.2014 registered under Sections 498A/406 IPC at Police Station City Batala, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 13.11.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

(HARI PAL VERMA)
JUDGE

22.01.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No