

294.

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

CRM-M-54057-2018

Date of decision:01.05.2019

DILIP SINGH AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Paras Chugh, Advocate, for
Mr. Ashutosh Gupta, Advocate,
for the petitioners.

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

None 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.0058 dated 01.12.2016 registered under Sections 406 and 498-A of IPC at Police Station Women Cell, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.04.2018 (Annexure P-2) arrived at between the parties before the Mediation and Conciliation Centre of this Court.

This Court vide order dated 23.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.03.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any pressure or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Kiratjot Kaur @ Jyoti but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 15.02.2019. The same is reproduced as under:-

“Stated that FIR No.58, dated 01.12.2016 under Section 406, 498A, IPC, PS Women Cell, Mohali was registered by me against Dilip Singh s/o Balwant Singh, Balwant Singh s/o Lt. Mahendra Singh, Neelmani Singh w/o Balwant Singh, Hardeep Kaur w/o Lt. Sher Singh, Kuldeep Kaur w/o Lt. Sh. Bittu Singh and Vikram Singh s/o Late Sh. Sher Singh all r/o of Madan Mohan Malviya Ward, PS Naya Munda, Bodhghat, near Chopra Mill, Jagdalpur, Distt. Bastar, Chhattisgarh, Balbir Singh (brother in law) s/o Balwant Singh r/o Kumhar Para, Near Ayurvedic Hospital, Jagdalpur, Distt. Bastar, Chattisgarh and Surinder Kaur w/o Raj Rajinder Singh r/o Telibanda, Near Marine Drive, behind Gurudwara, Raipur, Chattisgarh. I have effected a compromise with the all accused. I do not want to pursue with the present FIR case. I have no objection in case the FIR registered against above named accused is quashed. The above said compromise was effected by me with my free will without any pressure and coercion.”

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

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 into settlement, and it has become 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.

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.0058 dated 01.12.2016 registered under Sections 406 and 498-A of IPC at Police Station Women Cell, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 06.04.2018 (Annexure P-2) arrived at between the parties before the Mediation and Conciliation Centre of this Court.

(HARI PAL VERMA)
JUDGE

01.05.2019
sanjeev

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