

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

281

CRM-M-25112-2019

Date of Decision:29.08.2019

Baljit Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

**Present: Mr. PKS Phoolka, Advocate,
for the petitioners.**

Mr. Sukhbeer Singh, AAG, Punjab.

**Mr. Davinder Kumar, Advocate,
for complainant-respondent Nos.2 and 3.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.044 dated 14.12.2011 under Sections 498-A, 406, 494, 506 IPC, registered at Police Station Women Cell, Bathinda, District Bathinda(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 15.05.2019 (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, Bathinda and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.07.2019 to the effect that the compromise has been effected between the complainant and accused person Kiran Kaur and Baljit Singh and same is voluntary, without any pressure or coercion and is genuine one.

Respondent No.3-complainant, namely, Sukhpreet 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 was married to accused Baljit Singh S/o Jalwinder Singh on dated 23.05.2010 and after marriage FIR No.044 dated 14.12.2011 under Section 498A/406/494/506 IPC, Police Station Women Cell, Bathinda was got registered by me and my father against the accused Baljit Singh, Jagtar Singh, Jalwinder Singh and Kiran Kaur. With the intervention of relatives and friends compromise was effected and accused Kirna Kaur and Baljit Singh filed a petition No.CRM-M-25112-2019 before the Hon'ble High Court of Punjab and Haryana, Chandigarh, for quashing the above said FIR which is pending before the Hon'ble High Court of Punjab and Haryana, Chandigarh, for 29.08.2019. I have no objection if the above said FIR be quashed against the both the accused. I got recorded by my statement without any pressure and with my free will.”

Apart from above, a similar statement has also been made by respondent No.2-Ram Singh, whereby he has shown no objection to the present FIR being quashed.

Learned State counsel as well as learned counsel for respondent Nos.2 and 3 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 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.044 dated 14.12.2011 under Sections 498-A, 406, 494, 506 IPC, registered at Police Station Women Cell, Bathinda, District Bathinda(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 15.05.2019 (Annexure P-2), subject to payment of costs of Rs.10,000/- to be paid by the petitioners, within a period of one month from today with the **Red Cross Bathinda**. The petitioners shall produce a receipt with the Registry regarding deposit of cost.

August 29, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No