

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

277

CRM-M-25117-2019

Date of Decision:23.07.2019

Shamsher Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Sarbjit Singh, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

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 FIR No.4 dated 12.09.2013 under Sections 406/498-A IPC, registered at Police Station N.R.I., Amritsar, District Amritsar (Annexure P-1) as well as PO order dated 29.04.2014 (Annexure P-5) passed by learned Chief Judicial Magistrate, Amritsar on the basis of the compromise dated 27.04.2018 (Annexure P-2).

This Court vide order dated 30.05.2019, while directing the parties to appear before Illaqa Magistrate/trial Court to get their statements recorded, had also directed that in case petitioner appears before the trial Court, he shall be admitted to bail subject to furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court, provided there is no other case against him, however, subject to payment of costs of Rs.50,000/-

to be deposited with the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh.

Learned counsel for the petitioner states that pursuant to the aforesaid order, the petitioner has appeared before the trial Court and has been admitted on bail. He further states that the parties have appeared before learned Judicial Magistrate 1st Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 17.07.2019 to the effect that the compromise is genuine, voluntarily with free consent, without any undue influence and pressure.

Though no one is present on behalf of respondent No.2-Seema Gill in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 01.07.2019. The same is reproduced as under:-

“Stated that an FIR No.04 dated 12.09.2013, under Section 406, 498-A of IPC, P.S. N.R.I., District Amritsar, was registered on my statement against accused (1) Ninder Kaur @ Narinder Kaur aged about 49 years w/o Jagjit Singh, residential of Village Khankot, Block Verka, District Amritsar, (2) Rashpal Singh, aged about 33 years s/o Sawinder Singh (3) Sharanjit Kaur @ Rimpay, aged about 27 years w/o Rashpal Singh (4) Randhir Gill aged about 45 years son of Charan Singh resident of Village Khan Kot, Tehsil and District Amritsar at present residing at Calle Agudes 1164-1 08033 Barcelona, Spain, (5) Shamsher Singh aged 55 years son of Charan Singh resident of London, England. However, persons mentioned in column no.1, 2, 3 and 4 i.e. namely (1) Ninder Kaur @ Narinder Kaur aged about 49 years w/o Jagjit Singh, residential of Village Khankot, Block Verka, District Amritsar, (2) Rashpal Singh, aged about 33 years s/o Sawinder Singh (3) Sharanjit Kaur @ Rimpay, aged about 27 years w/o Rashpal Singh have filed petition No.CRM-M-29047 of 2018 for quashing of the instant FIR and all other

subsequent proceedings relating there to on the basis of compromise effected in the mediation and conciliation centre of Hon'ble Punjab & Haryana High Court, Chandigarh in mediation case no.65 of 2018 reference CRM-M-45665 of 2017 in the case titled as Narinder Kaur vs. State of Punjab dated 11.1.2018 has already been quashed by the Hon'ble Punjab and Haryana High Court. The original of compromise deed is already placed in Hon'ble High Court in quashing petition. I have already received the amount mentioned in the compromise Rs.18,50,000/- and FIR was quashed against the above said accused. Now the Fifth accused namely Shamsher Singh son of Charan Singh also filed CRM-M-25117 of 2019 against the above said FIR on the basis of compromise which is Ex.A/1. The FIR was lodged against the five accused. The compromise is genuine and voluntary and without any force, threat and coercion and I am supporting the same with my own volition. I have no objection if the FIR is quashed against Shamsher Singh son of Charan Singh.”

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 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.4 dated 12.09.2013 under Sections 406/498-A IPC, registered at Police Station N.R.I., Amritsar, District Amritsar (Annexure P-1) as well as PO order dated 29.04.2014 (Annexure P-5) passed by learned Chief Judicial Magistrate, Amritsar on the basis of the compromise dated 27.04.2018 (Annexure P-2) are hereby quashed.

July 23, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No