

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-25003-2019

Date of Decision:25.09.2019

Amanpreet Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Sandeep S. Majithia, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Ravi Chadda, Advocate,
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.123 dated 14.11.2018 under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Police Commissionerate Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 22.05.2019(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 Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate 1st Class, Ludhiana and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 25.07.2019 to the effect that the parties have compromised the matter out of their free will, voluntarily, without any sort of pressure, coercion and fear.

Respondent No.2-complainant, namely, Rupinder Kaur, has made a statement with regard to compromise before learned Magistrate on 24.07.2019. The same is reproduced as under:-

“Stated that I got lodged FIR no.123 dated 14.11.2018, U/s 406 & 498-A of the IPC, P.S. Women, Ludhiana, against the accused persons namely Amanpreet Singh, aged about 28 years S/o Satwinder Singh, R/o 512/13/1, Sua Road, Shanti Nagar, Giaspura, District Ludhiana and accused Satwinder Singh aged about 63 years S/o Takhat Singh, R/o Phullanwal, Shaheed Karnail Singh Nagar, Backside Jolly Hospital, District Ludhiana. Now, I have entered into compromise with the above said accused persons out of my free Will and without any sort of pressure and fear. Copy of compromise deed is Mark-A. I remained bound down with the terms and conditions of compromise deed Mark-A. As per compromise, I received two drafts bearing no.829107 and 829108 both dated 22.07.2019 amounting to Rs.1 lac each (in total 2 lacs) from accused persons today in the court as per part payment of the full and final settlement between the parties. As such, I do not want to pursue with the case against the above said accused persons as the matter has been compromised. I have no objection, if the aforesaid FIR is quashed against the above said accused persons. Accordingly, I will not initiate any legal proceedings regarding the said FIR against the above said accused persons. Today I have brought my Aadhar card as proof of my identity and the photocopy of same is Ex.PA. I have not been declared as proclaimed offender in this case.”

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 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.123 dated 14.11.2018 under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Police Commissionerate Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 22.05.2019(Annexure P-2).

September 25, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No