

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

274

CRM-M-25088-2019

Date of Decision:25.09.2019

Jatinder Singh Brar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Gaurav Sharma, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Brijesh Kumar, 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.0056 dated 04.06.2018 under Section 498-A IPC, registered at Police Station Bhadaur, District Barnala(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 18.03.2019 (Annexure P-2).

Learned counsel for the petitioner has argued that the marriage between the parties was solemnized on 14.12.2015 and the petitioner and respondent No.2 have already taken divorce from the Canada Court. It is on the basis of complaint submitted by respondent No.2-Amandeep Kaur, the present FIR has been registered.

This Court vide order dated 29.05.2019 had directed the parties to appear before the trial Court/Illaqa 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 attorney(s) of complainant-respondent No.2 as well as petitioner have appeared before learned Civil Judge (Jr. Divn.)-cum-Judicial Magistrate 1st Class, Barnala and got her statement recorded. On the basis of the statement so recorded, learned Magistrate has submitted report dated 14.08.2019 to the effect that the compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Amandeep Kaur through her special power of attorney, has made a statement with regard to compromise before learned Magistrate on 24.07.2019. The same is reproduced as under:-

“Stated that the FIR no.0056 under-section 498-A, IPC PS Bhadaur dated 04.06.2018 was registered on the statement of Amandeep Kaur against the accused person namely Jatinder Singh Brar. Amandeep Kaur have compromised the matter with accused mentioned as above said with the intervention of respectables of the society without any coercion or pressure with her free will and consent. Photocopy of the compromise dated 18.03.2019 is Ex.PA on which I identify my signature. Photocopy of receipt dated 20.05.2019 is Ex.PB on which I identify my signature. Photocopy of special power of attorney is Ex.PC. Amandeep Kaur has no objection if the present FIR may be quashed.”

Statements of the parties have been recorded through their respective power of attorney(s). This Court finds that though the present petition is filed for quashing of FIR on the basis of compromise and the

parties have already taken divorce from Canada Court, the present FIR deserves to be quashed.

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.0056 dated 04.06.2018 under Section 498-A IPC, registered at Police Station Bhadaur, District Barnala(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 18.03.2019 (Annexure P-2).

The parties shall deposit a sum of ₹25,000/- each within a period of one month from today with the **Govt. Medical College and Hospital, Sector-32, Chandigarh** and the said amount would be spent for

sthe treatment of poor patients within the knowledge of its Medical Superintendent. The petitioner as well as respondent No.2 shall produce a receipt with the Registry.

September 25, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No