

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

258

CRM-M-25799-2019

Date of Decision:26.09.2019

Inderjit Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioners.

Mr. Saurav Khurana, DAG, 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.110 dated 15.10.2018 under Sections 406, 498-A IPC, registered at Police Station Women, District Patiala(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 24.05.2019 (Annexure P-2).

This Court vide order dated 31.05.2019 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, parties have appeared before learned Judicial Magistrate 1st Class, Patiala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.08.2019 to the effect that the compromise effected

between the parties is genuine, voluntary and without any coercion or undue

influence.

Though no one is present on behalf of respondent No.2-complainant-Harsimran Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before the learned Magistrate on 29.07.2019. The same is reproduced as under:-

“Stated that I am the complainant of present case FIR no.110 dated 15.10.2018, U/ss 406-498-A IPC, registered at P.S. Women, Patiala, which has been get registered by me against the accused Inderjit Singh, Kashmir Singh and Jaswinder Kaur. Now due to intervention of respectables of locality and common friends, I have compromised with the accused voluntarily, without any coercion or undue influence. I have no objection if present FIR and proceedings arising out of present FIR against the accused are quashed by the Hon'ble Punjab and Haryana High Court. I am giving this statement voluntarily, without any threat or coercion. The compromise between us is genuine.”

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.110 dated 15.10.2018 under Sections 406, 498-A IPC, registered at Police Station Women, District Patiala(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 24.05.2019 (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 **Rajindra Medical College, Patiala** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent. The petitioners shall produce a receipt with the Registry.

September 26, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No