

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

261

CRM-M-25982-2019

Date of Decision:26.09.2019

Suba Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Amit Arora, Advocate,
for the petitioners.**

Mr. Saurav Khurana, DAG, Punjab.

**Mr. Parminder Singh Kanwar, Advocate,
for complainant-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.78 dated 12.07.2018 under Sections 498-A, 406 IPC, registered at Police Station Chohla Sahib, District Tarn Taran(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-deed dated 29.05.2019(Annexure P-2).

Learned counsel for the petitioners states that the allegation against petitioner Nos.1 and 2 has not been established and they have been found innocent during the course of investigation.

This Court vide order dated 31.05.2019 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements

genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Tarn Taran and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 16.08.2019 to the effect that the compromise effected between the parties is genuine one and without any pressure or coercion.

Respondent No.2-complainant, namely, Beant Kaur, has made a statement with regard to compromise before learned Magistrate on 29.07.2019. The same is reproduced as under:-

“Stated that I have compromise the matter with accused (1) Suba Singh S/o Inder Singh, (2) Gurpal Kaur W/o Suba Singh, both R/o Village Algon Kothi, Tehsil & District Tarn Taran & (3) Jagjit Singh s/o Suba Singh through power of attorney his father Suba Singh (accused No.1) in FIR No.78 dated 12.07.2018, under Section 406/498-A IPC, P.S. Chohla Sahib, Tarn Taran, with the intervention of respectable persons. The original compromise is attached with the quashing petition pending before the Hon'ble High Court, Chandigarh. Copy of my Adhar Card is Mark 'C'. The above said compromise is genuine and is without any pressure and coercion or undue influence. I and above named accused persons shall live peacefully in future. I have no objection if the present FIR may kindly be quashed on basis of compromise.”

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)***

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.78 dated 12.07.2018 under Sections 498-A, 406 IPC, registered at Police Station Chohla Sahib, District Tarn Taran(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise-deed dated 29.05.2019(Annexure P-2).

September 26, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No