

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

278

CRM-M-28909-2019

Date of Decision:12.09.2019

Davinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Sunny Kumar Singla, Advocate,
for the petitioner.**

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.113 dated 27.10.2016 under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Patiala(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 06.05.2019 (Annexure P-2).

This Court vide order dated 10.07.2019 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 20.08.2019 to the effect that the compromise effected between the parties is without any pressure and coercion and is voluntarily and genuine one.

Though no one is present on behalf of respondent No.2-complainant-Satwinder 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 06.08.2019. The same is reproduced as under:-

“That a compromise has been effected between me and accused person namely Davinder Singh. There is only one accused in the present case and no accused has been declared proclaimed offender in the present case. I am the complainant in the present case. We have already filed a joint petition u/s 13-B H.M. Act which is pending before the court of Principal Family Court, Patiala Ms. Saru Mehta Kaushik for 15.11.2019. Except the said petition no other case is pending between me and accused in any court. As per compromise, I have no objection if the present FIR be quashed in the interest of justice. The compromise effected between me and accused is genuine, voluntarily and without any coercion or undue influence and the same is outcome of my free will and consent.”

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.113 dated 27.10.2016 under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Patiala(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 06.05.2019 (Annexure P-2).

September 12, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No