

290/A.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-28966-2019

Date of decision: 13.08.2019

AMRIK SINGH AND ANR

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None.

HARI PAL VERMA, J. *(Oral)*

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.6 dated 03.10.2015 registered under Sections 498-A, 406, 420 of IPC at Police Station NRI, Kapurthala, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 11.06.2018 (Annexure P-2).

This Court vide order dated 10.07.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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 Additional Chief Judicial Magistrate, Kapurthala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 01.08.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jatinder Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 23.05.2019. The same is reproduced as under:-

“Stated that a FIR bearing No.06 dated 03.10.2015, under sections 498A, 406, 420 IPC, PS NRI, Kapurthala was lodged against accused namely Amrik son of Sangat Singh and Palwinder Kaur wife of Amrik Singh, residents of Raipur Pir Baksh Wala, PS Bhulath, District Kapurthala, Harbhajan Singh son of Mukhtiar Singh and Parwinder Singh son of Harbhajan Singh, both resident of Mand Kula, Tehsil Bhulath, District Kapurthala. The FIR against accused Harbhajan Singh and Parwinder Singh has already been quashed by the Hon'ble High Court on the basis of compromise between me and the abovesaid accused Harbhajan Singh and Parwinder Singh. Now, I have entered into compromise with the accused namely Amrik Singh and Palwinder Kaur with the intervention of respectable persons of the Village. I have entered into compromise with my free will, without any promise, pressure or influence from any corner. I want to lead peaceful social life. Now, both the abovesaid accused have applied for the quashing of above-said case before the Hon'ble Punjab and Haryana High Court. The compromise between the parties is voluntary without any pressure or coercion. There is no other criminal proceedings are pending between us. I have no objection if the present case is quashed against abovesaid accused.”

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

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 the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become 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.

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*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as also in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and F.I.R. No.6 dated 03.10.2015 registered under Sections 498-A, 406, 420 of IPC at Police Station NRI, Kapurthala, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 11.06.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

13.08.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No