

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

275

CRM-M-30076-2019

Date of Decision:29.10.2019

Sarabjit Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Rahul Bhargava, Advocate,
for the petitioners.**

Ms. Ambika Bedi, AAG, 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.0155 dated 27.12.2016 under Sections 406, 498-A IPC, registered at Police Station Ajnala, District Amritsar Rural (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 05.07.2019 (Annexure P-2).

Learned counsel for the petitioners states that in terms of the compromise, the parties have filed the petition under Section 13-B of the Hindu Marriage Act and statements at first motion have already been recorded.

This Court vide order dated 17.07.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the

genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Addl. Civil Judge(Sr. Division)-cum-SDJM, Ajnala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.09.2019 to the effect that the matter has been compromised with the free and voluntary consent of the parties.

Though no one is present on behalf of respondent No.2-complainant-Jasbir Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 14.08.2019. The same is reproduced as under:-

“The present case bearing FIR no.155 dated 27.12.2016 registered with the police station Ajnala, District Amritsar Rural, under Section 406, 498A IPC, has been got registered by me against Sarabjit Singh son of Sh. Hardiyal Singh, Hardiyal Singh son of Sh. Harnam Singh, Anmol Kaur wife of Hardiyal Singh all resident of gali Makhan tailor wali, Kot Khalsa, Cheharta, Amritsar. Now with the intervention of the respectables of the society, a compromise has been effected between the petitioners and respondents i.e. complainant party and accused party. I am giving the statement today in the Court without any threat, coercion or undue influence and with my own free will. I have brought my Aadhar card today in the Court showing my identity and copy of the same is Mark A. I have no objection if the above said FIR be quashed.”

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***

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.0155 dated 27.12.2016 under Sections 406, 498-A IPC, registered at Police Station Ajnala, District Amritsar Rural (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of the compromise dated 05.07.2019 (Annexure P-2), however, subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with **Govt. Medical College, Amritsar**. The said amount shall be spent on the treatment of poor patients and needy persons within the knowledge of its Medical Superintendent.

October 29, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No