

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-29799 of 2019

Date of Decision: 03.09.2019

Gagandeep Singh & others

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Anil Kumar Spehia, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Umesh Kumar Kanwar, Advocate
for the 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.0039 dated 27.04.2019 under Sections 323, 406, 498-A IPC registered at P.S. Division No.3, District Jalandhar (Annexure P-1) and subsequent proceedings arising therefrom, on the basis of compromise dated 09.07.2019 (Annexure P-2).

This Court vide order 16.07.2019 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Addl. Chief Judicial Magistrate, Jalandhar and got their statements recorded. Learned Magistrate has forwarded his report dated 19.08.2019 to the effect that the compromise arrived at between the two sides is genuine, voluntary and without any coercion or undue influence. The statement of the complainant-Gurjinder Kaur recorded on 14.08.2019 reads as under:-

“That F.I.R. no.39 dated 27.04.2019 under Sections 323, 406, 498-A IPC, PS Division No.3, Jalandhar was registered on the basis of complaint moved by me against accused/petitioners Gagandeep Singh, Gurdeep Singh, Hardeep Kaur, Raj Singh. I am sole victim/complaint in the present FIR. With the intervention of the respectables, the matter has been compromised with the aforesaid accused/petitioners as per compromise/settlement deed dated 09.07.2019, copy of the same is Ex.C1. Compromise has been effected without any pressure, threat or undue influence or coercion and with my sweet will. I have no objection if the F.I.R. be quashed qua the petitioners. I have brought my original Pan card, copy of which is Ex.C2 (Original seen and returned).

Learned counsel for the parties are *ad idem* that the petitioner no.1 and respondent no.2 are residing together as husband and wife and therefore, the FIR in question deserves to be quashed.

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 FIR No.0039 dated 27.04.2019 under Sections 323, 406, 498-A IPC registered at P.S. Division No.3, District Jalandhar (Annexure P-1) and the subsequent proceedings arising therefrom are quashed *qua* the petitioners, on the basis of compromise dated 09.07.2019 (Annexure P-2).

September 03, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No