

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

276

CRM-M-30085-2019

Date of Decision:29.10.2019

Karanbeer Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Vishva Bahl, Advocate,
for the petitioner.**

Ms. Ambika Bedi, AAG, Punjab.

**Mr. Bharat Deep Sharma, Advocate,
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.012 dated 22.02.2016 under Sections 406, 498-A IPC, registered at Police Station Women, Amritsar, District Amritsar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise-deed(Annexure P-2).

Learned counsel for the petitioner states that the matter has been compromised and the petition filed by the parties under Section 13-B of the Hindu Marriage Act has allowed and decree of divorce by way of mutual consent has been granted.

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 Judicial Magistrate 1st Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 30.08.2019 to the effect that the parties have arrived at a compromise without any undue influence or pressure.

Respondent No.2-complainant, namely, Harpreet Kaur, has made a statement with regard to compromise before learned Magistrate on 14.08.2019. The same is reproduced as under:-

“Stated that FIR no.12 dated 22.2.2016 under Section 406/498-A of IPC lodged in PS Women Cell, Amritsar against Karanbeer Singh on my statement. During the pendency of this case, with the interventions of respectables, dispute between the parties has been resolved and a compromise has been effected between me and accused Karanbeer Singh son of Lakhwinder Singh resident of L6/224, Gali no.2, Sardara Wali, Shaheed Udham Singh Nagar, Tarn Taran Road, Amritsar and accused has filed quashing petition before the Hon'ble High Court, Chandigarh. FIR was only registered against Karanbeer Singh and no one is proclaimed offender in this case and the compromise is genuine, voluntary and without any coercion or undue influence. I do not want to proceed further with the present case. So, I have no objection if the FIR is quashed against the accused and he is acquitted from the charges.”

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.012 dated 22.02.2016 under Sections 406, 498-A IPC, registered at Police Station Women, Amritsar, District Amritsar (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of the compromise-deed(Annexure P-2), however, subject to payment of costs of ₹10,000/- to be paid by the petitioner, 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