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

CRM-M-30307-2019

Date of decision: 30.10.2019

GURSIMRAN SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ishan Gupta, Advocate,
for the petitioner.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.
for respondent No.1.

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 F.I.R. No.17 dated 06.04.2019 registered under Section 498-A of IPC at Police Station Women, District Amritsar (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 12.07.2019 (Annexure P-1).

This Court vide order dated 18.07.2019 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 Judicial Magistrate Ist Class, Amritsar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.08.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any threat, coercion and out of their free will.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Amreen Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 20.08.2019. The same is reproduced as under:-

“An FIR no.17 dt. 06.04.2019 u/s 498-A IPC, PS Women District Amritsar has been registered against the accused Gursimran Singh s/o Harpreet Singh on my statement.

Now I have effected a compromise. I have no objection if above said FIR and further proceedings are quashed by the Hon'ble Punjab and Haryana High Court. The compromise has been effected voluntarily, without any pressure, coercion or undue influence. I and my husband accused Gursimran Singh are residing together in our house no.280, Dhobia wali gali, Sunami Gate, Sangrur peacefully and enjoying our life.”

Learned counsel for the petitioner states that the petitioner and respondent No.2 are staying together as husband and wife and they have resolved their dispute.

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 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.17 dated 06.04.2019 registered under Section 498-A of IPC at Police Station Women, District Amritsar (Annexure P-2) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/affidavit dated 12.07.2019 (Annexure P-1), 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

30.10.2019
sanjeev

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