

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

276

CRM-M-30538-2019

Date of Decision:31.10.2019

Umesh Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioners.

Ms. Jasleen Kaur Sidhu, 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.03 dated 17.01.2016 under Sections 406, 498-A IPC, registered at Police Station Dina Nagar, District Gurdaspur (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 05.07.2019(Annexure P-2).

This Court vide order dated 19.07.2019 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, Gurdaspur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.09.2019 to the effect that the compromise effected

between the parties is genuine, voluntary and without any coercion or undue influence.

Though no one is present on behalf of respondent No.2-complainant-Reena 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 26.07.2019. The same is reproduced as under:-

“Stated that with the intervention of respectables I have compromised with the accused persons namely Umesh Singh S/o Babu Singh, R/o Mariampur No.3, Bajpur District Udhampur Nagar, Uttrakhand and Simmi @ Flora W/o Mukesh Singh, R/o Moh Nandpur Narka Topa, Mundiyan Kalan Bajpur District Udhampur Nagar Uttrakhand in respect of case FIR No.03 dated 17.01.2016 which was got registered by me against accused at Police Station Dinanagar, District Gurdaspur. The petition for quashing of present FIR has been filed by accused in the Hon'ble Punjab and Haryana High Court at Chandigarh and vide order dated 19.07.2019 of CRM-M No. 30538 of 2019, the parties have been directed to record statements before this learned Court. The compromise has been effected by me without any pressure, coercion and undue influence and I have compromised with my own sweet will.”

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 Limited Versus State of Tamil Nadu and others-2014 (4) RCR (Criminal) 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.03 dated 17.01.2016 under Sections 406, 498-A IPC, registered at Police Station Dina Nagar, District Gurdaspur (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).

October 31, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No