

274.

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

CRM-M-31376-2019

Date of decision: 06.11.2019

LAKHWINDER SINGH AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sarbjit Singh, Advocate, for the petitioners.

Mr. Saurav Khurana, DAG, 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.86 dated 04.06.2019 registered under Sections 307/498-A/506/120-B of IPC at Police Station Goindwal Sahib, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise and affidavit dated 10.06.2019 (Annexures P-2 & P-3 respectively).

This Court vide order dated 24.07.2019 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 Sub Divisional Judicial Magistrate, Khadur Sahib and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 24.09.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Amardeep Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 30.08.2019. The same is reproduced as under:-

“Stated that I have compromised the matter with the petitioners/accused persons namely:-

- 1. Lakhwinder Singh, aged about 28 years s/o Dalbir Singh.*
- 2. Rajwinder Kaur aged about 46 years w/o Dalbir Singh.*
- 3. Harman Kaur @ Raj Kaur about 31 years w/o Jatinder Singh*
- 4. Rupinder Kaur aged about 24 years d/o Dalbir Singh.*
- 5. Dalbir Singh aged about 61 years s/o Gurdit Singh through his attorney son Lakhwinder Singh.*
- 6. Love @ Jatinder Singh aged about 26 years s/o Dalbir Singh through his attorney brother Lakhwinder Singh all the residents of village Daulo Nangal, Tehsil Baba Bakala Sahib, District Amritsar voluntarily, without any pressure and undue influence and with my own sweet will in FIR No.86 dated 04.06.2019, U/s 307/498-A/506/120-B IPC registered at Police Station, Goindwal Sahib. I do not have any objection if the FIR bearing no.86 dated 04.06.2019 registered at police station Goidwal Sahib be quashed. The copy of my Adhaar Card is Ex.R1. The copy of compromise deed Ex.R2.”*

Learned State counsel, on instructions from ASI Swaran Singh, states that so far as injury attracted the offence under Section 307 IPC is

concerned, there is only allegation and no such injury has been inflicted.

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.86 dated 04.06.2019 registered under Sections 307/498-A/506/120-B of IPC at Police Station Goindwal Sahib, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise and affidavit dated 10.06.2019 (Annexures P-2 & P-3 respectively).

(HARI PAL VERMA)
JUDGE

06.11.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No