

279.

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

CRM-M-31598-2019

Date of decision: 04.11.2019

KAMALPREET SINGH @ PRINCE AND ANOTHER ... Petitioners

versus

STATE OF PUNJAB AND ANOTHER Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

ASI Sukhdev Singh.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.023 dated 01.02.2019 registered under Sections 406, 498-A of IPC at Police Station Women, District Police Commissionerate, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/petition under Section 13-B of Hindu Marriage Act (Annexure P-2).

This Court vide order dated 25.07.2019 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, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 20.08.2019 to the effect that the compromise has been effected between the parties voluntarily, out of their free will and without any sort of pressure, coercion or fear.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Kawaljit Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 17.08.2019. The same is reproduced as under:-

“I have lodged an FIR No.23 dated 01.02.2019, U/s 406, 498-A of the IPC, P.S. Women, Ludhiana against my husband namely Kamalpreet Singh @ Prince aged 34 years son of Shri Jasbir Singh, C/o Chawla Handloom, Main Bazar, Near Kewal Krishan Jeweler, Noorpur Bedi, District Ropar & Jasbir Singh aged about 56 years son of Kartar Singh, R/o House No.177/2, Peer Gori Mohalla, Near Shani Dev Mandir, Samana, District Patiala. Now I have entered into compromise with the accused voluntarily without any coercion or undue influence & both the parties will not initiate any criminal or civil proceedings against each other and it is also agreed that if any such proceeding will be pending then the same would be withdrawn. The complainant has no objection, if the present FIR is quashed in pursuance of compromise effected between us. It is also agreed between us as the accused will pay remaining amount of Rs.2,25,000/- to me at the time of recording final statement in a petition filed under Section 13-B of the Hindu Marriage Act for granting divorce by mutual consent. The self attested copy of my Aadhar Card is Ex.P3.”

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.023 dated 01.02.2019 registered under Sections 406, 498-A of IPC at Police Station Women, District Police Commissionerate, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2).

(HARI PAL VERMA)
JUDGE

04.11.2019
sanjeev

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