

281.

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

CRM-M-31658-2019

Date of decision: 04.11.2019

HARPREET SINGH @ SONU AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

ASI Surjit 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.122 dated 07.10.2013 registered under Sections 498A/323/34 of IPC at Police Station Kot Isan Khan, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.05.2019 (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, Moga and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 24.10.2019 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, Lakhwinder 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:-

“It is stated that I am the complainant in the above captioned complaint case bearing No.RBT-18/10.07.2014, D.O.I. 09.05.2016. Previously, on the basis of my statement, one criminal case arising out of FIR No.122 dated 07.10.2013 under Sections 498-A, 323, 34 of Indian Penal Code was registered with Police Station Kot Ise Khan, District Moga, regarding same occurrence was lodged against my husband Harpreet Singh @ Sonu, Manjit Singh son of Kashmir Singh, Jaswinder Kaur wife Manjit Singh, Jaaswant Kaur wife of Kashmir Singh. Later on, police declared all of the accused as innocent and later on, I moved the present complaint against Harpreet Singh @ Sonu, Kashmir Singh, Sukhwant Kaur, Manjit Singh and Jaswinder Kaur. The matter in dispute has been compromised amicably with the intervention of the respectable of society. I have made compromise with the said accused with my free sweet will and without any threat, pressure or coercion. The compromise will help in restoring good relation and harmony between me and accused persons, for our future life. I have no objection if petition u/s 482 Cr.P.C. filed by accused before the Hon'ble Punjab and Haryana High Court, Chandigarh is allowed and above captioned complaint alongwith FIR be quashed.”

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.122 dated 07.10.2013 registered under Sections 498A/323/34 of IPC at Police Station Kot Isan Khan, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 18.05.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

04.11.2019
sanjeev

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