

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-32478-2019

Date of Decision: 21.11.2019

Raj Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioners.

Mr. Sukhbeer Singh, 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 FIR No.51 dated 05.10.2018 under Sections 498-A, 406 IPC, registered at Police Station Women, Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.03.2019 (Annexure P-2).

This Court vide order dated 31.07.2019 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, Bathinda and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.09.2019 to the effect that the compromise has been effected between the parties is voluntarily, without any pressure or coercion and is genuine one.

Though, today no one is present on behalf of respondent No.2-victim, namely, Jaspreet Kaur, but no prejudice would be caused to her as she has already made a statement with regard to compromise before the learned Magistrate on 02.09.2019. The same is reproduced as under:-

“Stated that FIR No. 51 dated 05.10.2018, under Section 498A/406 IPC, Police Station Women Cell, Bathinda was got registered by my father against the accused Raj Singh, Shinderpal Kaur and Sandeep Singh R/o village Gholia Khurd. Now with the intervention of relatives and friends compromise has been effected with the accused party and accused have filed a petition No. CRM-M-32478-2019 before the Hon'ble High Court of Punjab and Haryana, Chandigarh, for quashing the above said FIR which is pending before the Hon'ble High Court of Punjab and Haryana, Chandigarh, for 21.11.2019. I have no objection if the above said FIR be quashed against the accused. I got recorded my statement without any pressure and with my free will.”

Apart from above, a similar statement has also been made by complainant-Raju Singh, who is father of victim-respondent No.2, whereby he has shown no objection to the present FIR being quashed.

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.

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.51 dated 05.10.2018 under Sections 498-A, 406 IPC, registered at Police Station Women, Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.03.2019 (Annexure P-2) are hereby quashed qua the petitioners.

November 21, 2019

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(HARI PAL VERMA)**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No