

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

268

CRM-M-38131-2018

Date of Decision:28.05.2019

Gurvinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Sandeep Sharma, Advocate,
for the petitioners.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab,
for respondent No.1.

Mr. Rajesh Bhatheja, Advocate,
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.14 dated 07.06.2017 under Sections 406, 498-A IPC, registered at Police Station NRI, Police District Jalandhar Rural, District Jalandhar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 24.08.2018 (Annexure P-2).

This Court vide order dated 11.02.2019 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, Jalandhar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.04.2019 to the effect that the compromise has been reached between the parties voluntarily and without any pressure and the same is genuine.

Respondent No.2-complainant, namely, Gurjot Kaur, has made a statement with regard to compromise before learned Magistrate on 20.03.2019. The same is reproduced as under:-

“Stated that criminal case vide FIR No.14 dated 07.06.2017, was got registered under Section 406, 498-A IPC at PS NRI (Rural), Jalandhar against accused Gurwinder Singh s/o Mangal Singh r/o House No.151 Sudarshan Park, Nandanpur Road, District Jalandhar, Accused Amarjit Kaur w/o Mangal Singh r/o House No.151 Sudarshan Park, Nandanpur Road, District Jalandhar and accused Ravinder Singh s/o Mangal Singh, r/o House No.151 Sudarshan Park, Nandanpur Road, District Jalandhar by me. That quashing petition before the Hon'ble Punjab and Haryana High Court at Chandigarh has been filed by Gurwinder Singh. That vide order dated 11.02.2019 in CRM-M-38131-2018 Hon'ble Punjab and Haryana High Court has directed to record the statements before the trial court. With the intervention of respectables, the matter in dispute has been compromised between me and the accused Gurwinder Singh, Amarjit Kaur and Ravinder Singh. The compromise has been effected with my free will, sound disposing mind, without any pressure and without any coercion. I have settled all my claims pertaining to my marriage and I have got divorce from my husband Gurwinder Singh u/s 13-B HMA and we are residing separately. I have no objection if the above-said FIR be quashed on account of compromise. Copy of my self attested ID Card i.e. Aadhar Card is EX.C1 (Original seen and returned).”

Learned State counsel as well as learned counsel for respondent No.2 have 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.14 dated 07.06.2017 under Sections 406, 498-A IPC, registered at Police Station NRI, Police District Jalandhar Rural, District Jalandhar (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 24.08.2018 (Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

May 28, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No