

CRM-M-48777-2018 (O&M)

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

**CRM-M-48777-2018 (O&M).
Decided on: May 22, 2019.**

Amarjit Singh and others

.. Petitioners

VERSUS

State of Punjab and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

*** * ***

**PRESENT Mr.Dhawaljeet Dutta, Advocate,
for the petitioners.**

Mr.Jagmohan Ghumman, DAG, Punjab.

None for complainant – respondent No.2.

HARI PAL VERMA, J. (ORAL)

CRMs-16237-16238-2019

Prayer in the misc. applications is for placing on record copy of affidavit of petitioner No.1 as Annexure P-3 as well as for exemption from filing certified copy of the same.

For the reasons stated in the applications, the same are allowed and document Annexure P-3 is taken on record subject to all just exceptions.

CRM-M-48777-2018 (O&M)

Main Case

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0055 dated 4.8.2017, under Sections 498-A, 406 and 120-B IPC, registered at Police Station Tibber, Tehsil and District Gurdaspur, (**Annexure P-1**) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.9.2018 (**Annexure P-2**).

This Court vide order dated 2.11.2018 had directed the parties to appear before the trial Court/Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. However, as the parties did not appear before the trial Court, hence, they were again directed to appear before the trial Court vide order dated 19.12.2018. Since the complainant was not available in India and was living in U.K., the statements of the parties could not be recorded, as such, one more opportunity was granted to the parties to get their statements recorded vide order dated 6.3.2019 subject to payment of Rs.10,000/- to be deposited in the High Court Lawyers' Welfare Fund.

Pursuant to the aforesaid orders, parties have appeared before learned Additional Chief Judicial Magistrate, Gurdaspur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.3.2019, to the effect that the compromise entered between the parties is genuine, voluntary, without any pressure, threat or undue influence. It was further intimated that the

CRM-M-48777-2018 (O&M)

present FIR was lodged only against accused/petitioners and none of petitioners had been declared as proclaimed offender.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Harwinder Kaur, but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 14.3.2019. The same is reproduced as under:-

“Stated that FIR bearing No.55 dated 04.08.2017 was registered under Sections 498-A, 406, 120-B of IPC at Police Station Tibber, Tehsil and District Guradaspur at my instance against petitioners namely Amarjit Singh son of Baljit Singh, Baljit Singh son of late Makhan Singh and Sukhwinder Kaur wife of Baljit Singh, all residents of Village Kahnuwan, District Gurdaspur at present residing at 2 Frankswood Avenue, Hillingdon, Middlesex, 8QR, England represented by Jaswinder Singh son of Mohan Singh resident of Village Salopur, Post Office Chak Sharif, Tehsil and District Gurdaspur. Now, the matter has been compromised between me and petitioners aforementioned with the intervention of respectables of the society. The said compromise is genuine, voluntary made by the parties out of their free will, without any threat or coercion. None of the petitioner has been declared proclaimed offender and FIR was registered against petitioners only. I have no objection, if the present FIR is quashed. I also place on record receipt of Rs.10,000/- deposited in the High Court Lawyers' Welfare Fund and copy of the receipt is Ex.C2.”

Mr.Jaswinder Singh, Special Power of Attorney has also made similar statement on behalf of the petitioners that the matter has been compromised between petitioners and respondent No.2.

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 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.0055 dated 4.8.2017, under Sections 498-A, 406 and 120-B IPC, registered at Police Station Tibber, Tehsil and District Gurdaspur, (**Annexure P-1**) and all

CRM-M-48777-2018 (O&M)

subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 17.9.2018 (**Annexure P-2**).

May 22, 2019.
raj arora

(HARI PAL VERMA)
JUDGE

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