

270.

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

CRM-M-54787-2018

Date of decision:13.05.2019

JASDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB & ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Anil Chawla, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

Ms. Sheena Khanna, Advocate, for
Mr. Ashok Kumar Arora, 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 F.I.R. No.70 dated 03.10.2018 registered under Sections 406, 498-A of IPC at Police Station Women, District Police Commissionerate, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 08.10.2018 (Annexure P-2).

This Court vide order dated 22.01.2019 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

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 08.04.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Respondent No.2-complainant, namely, Sarish Khera has made her statement with regard to compromise before learned Magistrate on 22.02.2019. The same is reproduced as under:-

“Stated that on my statement one criminal case in the shape of FIR no.70/2018 dt. was registered at PS women cell under section 406/498-A of IPC and FIR 53/2018, PS C-Divn, under section 66(D) IT Act against Jasdeep Singh. The Accused is present in the court today. However, now with the intervention of respectables the matter has been compromised in an amicable way and I have decided to bury our hatchets and ill feelings once and for all and live a life of peace and harmony in the future. Accordingly, I have no objection if the present FIR registered against the accused Jasdeep Singh is quashed and the accused is discharged or acquitted accordingly. I have entered into compromise with the accused person out of my free will and without any sought of misrepresentation, threat, coercion or duress. In both the FIRs, Jasdeep Singh is only the accused and he has neither declared as proclaimed offender in both the FIRs. The present compromise is genuine one and both the parties have voluntarily without any undue pressure entered into compromise. I have suffered my statement today in the court out of my free will and without any sought of threat to me or any of my family member in a sound disposing mind. I undertake to remain bound my statement.”

Learned State counsel as well as learned counsel for respondent

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.70 dated 03.10.2018 registered under Sections 406, 498-A of IPC at Police Station Women, District Police Commissionerate, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 08.10.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.05.2019
sanjeev

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