

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

258

CRM-M-664-2019

Date of Decision:20.02.2020

Gurmail Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: ASI Daljeet Kumar, the Investigating Officer.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0049 dated 10.08.2016 under Sections 406, 498-A IPC, registered at Police Station Bilga, Tehsil Phillaur, District Jalandhar(Rural) (Annexure P-1), order dated 07.12.2017(Annexure P-2), whereby petitioner No.4 was declared as proclaimed offender and all the consequential proceedings arising therefrom on the basis of compromise dated 19.12.2018 (Annexure P-3).

It being the matrimonial dispute having been compromised between the parties, this Court vide order dated 29.11.2019 while deciding application i.e. CRM-36658-2019 filed by petitioner No.4-Parminder Singh had directed that in case petitioner No.4 appears before the trial Court, he shall be admitted on interim bail subject to his furnishing adequate bail bonds/surety bonds, subject to payment of costs of Rs.15,000/- to be deposited with the Chandi Kusht Ashram Society, Sector-47, Chandigarh.

Pursuant thereto, report dated 21.12.2019 has been received from learned Sub Divisional Judicial Magistrate, Phillaur, to the effect that petitioner No.4 has surrendered before the trial court and has been admitted on bail.

This Court vide order dated 15.01.2019 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 Sub Divisional Judicial Magistrate, Phillaur, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.02.2019 to the effect that the compromise has been effected between the parties is voluntary, without any pressure or coercion and is genuine one.

Though no one is present on behalf of respondent No.2-complainant-Ramanpreet Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 20.02.2019. The same is reproduced as under:-

“Stated that I have compromised with all the accused Gurmail Singh S/o Buta Singh, Jasvir Kaur W/o Gurmail Singh, Manjit Kaur W/o Shingara Singh and Parminder Singh S/o Gurmail Singh in the above mentioned case in the presence of respectable persons of both the parties. The compromise is voluntarily, without any inducement, threat, pressure or coercion. The original compromise is already on the judicial file of Hon'ble High Court. The present compromise has taken place with the free consent and without any pressure and the copy of compromise is Ex.P1, copy of Aadhar Card is Ex.P-2. I

have got no objection if the FIR above noted is quashed/cancelled and all the accused be discharged/acquitted. I have also got no objection if the PO proceeding against the accused Parminder Singh are quashed. The compromise is voluntarily and has been entered into with my free will without any kind of inducement and undue influence and pressure of any kind from any side.”

ASI Daljeet Kumar, the Investigating Officer 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.

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.0049 dated 10.08.2016 under Sections 406, 498-A IPC, registered at Police Station Bilga, Tehsil Phillaur, District Jalandhar(Rural)(Annexure P-1), order dated 07.12.2017(Annexure P-2), whereby petitioner No.4 was declared as proclaimed offender and all the consequential proceedings arising therefrom

are hereby quashed qua the petitioners on the basis of compromise dated 19.12.2018(Annexure P-3), subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the **Chandi Kusht Ashram Society, Sector-47, Chandigarh.**

February 20, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No