

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-6381-2019

Date of Decision:21.01.2020

Sikandar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Vikram Bali, Advocate,
for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Vishal Sharma(Vasudeva), 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.83 dated 06.10.2018 under Sections 498-A, 406 IPC and Section 10 of the Children Marriage Prohibition Act, registered at Police Station Singh Bhagwantpura, Punjab(Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.11.2018(Annexure P-2).

This Court vide order dated 02.09.2019 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 Civil Judge(Jr.Divn.)-cum-JMIC, Rupnagar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.10.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Mandeep Kaur, has made a statement with regard to compromise before learned Magistrate on 01.10.2019. The same is reproduced as under:-

“Stated that I had got FIR No.83 dated 06.10.2018 under Section 10 of the Child Marriage Prohibition Act, 2006 and under Sections 406 and 498-A IPC, PS Singh Bhagwantpura, Dist. Rupnagar, registered against accused Sikandar Singh, Shamsher Singh, Kulwinder Kaur and Darshan Singh. The said four persons are the only persons arrayed as accused in the FIR. No accused is a proclaimed offender. The case is fixed for arguments on charge. I have compromised the matter with the above named accused by way of written compromise dated 15.11.2018. Copy of the same is Mark A and I identify my signatures on the same at Points A. The compromise has been entered into by me voluntarily, out of my own free will and without any pressure, threat or coercion or undue influence. The compromise is genuine. I do not want to proceed against the above named accused. I have no objection if the above noted FIR is quashed qua the above named accused.”

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.

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.83 dated 06.10.2018 under Sections 498-A, 406 IPC and Section 10 of the Children Marriage Prohibition Act, registered at Police Station Singh Bhagwantpura, Punjab(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 15.11.2018(Annexure P-2).

January 21, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No