

226.

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

CRM-M-28620-2020

Date of decision: 29.10.2020

SUKHJINDER SINGH AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Harsimran Preet Singh, Advocate,
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr. Pawan Kumar, Advocate, for
Mr. Shiv Kumar Sharma, Advocate,
for respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0044 dated 09.05.2019 registered under Sections 498-A, 406, 420, 467, 468, 471, 120-B of IPC (Section 201 IPC added lateron) at Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 31.08.2020 (Annexure P-2).

This Court vide order dated 18.09.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements

recorded and the 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 Ist Class, Gurdaspur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.10.2020 to the effect that the compromise is genuine and has been effected between the parties without any pressure, coercion, undue influence and same has been done with the free consent of the parties.

Respondent No.2-complainant, namely, Ranjit Kaur has made her statement with regard to compromise before learned Magistrate on 25.09.2020. The same is reproduced as under:-

“Stated that with the intervention of respectables I have compromised with the petitioners/accused persons namely Sukhjinder Singh son of Jagir Singh, Balwinder Singh son of Jagir Singh, Manjeet Kaur wife of Balwinder Singh, Jagir Kaur wife of Jagir Singh and Jagiir Singh son of Saudager Singh, all residents of Village Kaler Khurd, Police Station Sekhwan, Tehsil Batala, District Gurdaspur, in respect of case FIR No.44 dated 09.05.2019 under Section 498-A, 406, 420, 467, 468, 471, 120-B (Section 201 of IPC added lateron) registered at Police Station Sadar Gurdaspur, District Gurdaspur which was got registered by me against accused persons at Police Station Sadar Gurdaspur, Tehsil and District Gurdaspur. The petition for quashing of present FIR No.44 dated 09.05.2020 has been

filed by accused persons in the Hon'ble Punjab and Haryana High Court at Chandigarh and vide order dated 18.09.2020 of CRM-M- No.28620 of 2020, the parties have been directed to record statements before this learned Court. The compromise effected by us is genuine and without any pressure, coercion and undue influence and I have compromised with my own sweet will. It is further stated no other criminal proceedings is pending between us and accused persons. I have no objection if the FIR no.44 dated 09.05.2019 under Section 498-A, 406, 420, 467, 468, 471, 120-B (Section 201 of IPC added lateron) is quashed against the accused persons namely Sukhjinder Singh son of Jagir Singh, Balwinder Singh son of Jagir Singh, Manjeet Kaur wife of Balwinder Singh, Jagir Kaur wife of Jagir Sigh and Jagir Singh son of Saudager Singh, all residents of Village Kaler Khurd, Police Station Sekhwan, Tehsil Batala, District Gurdaspur. I have placed on record copy of my Aadhar Cad Ex.C6 as my identity proof. ”

Apart from above, a similar statement has been made by respondent No.3, namely, Parneet Kaur whereby she has shown no objection to the FIR being quashed.

Learned counsel appearing on behalf of respondents No.2 and 3 has not disputed the factum of compromise.

Learned State counsel also has not disputed the factum of compromise between the parties. However, he states that challan in the case has not been presented.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant case.

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.0044 dated 09.05.2019 registered under Sections 498-A, 406, 420, 467, 468, 471, 120-B of IPC (Section 201 IPC added lateron) at Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 31.08.2020 (Annexure P-2), however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the High Court Bar Association in the Lawyers' Welfare Fund, within one month from today.

(HARI PAL VERMA)
JUDGE

29.10.2020

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