

246.

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

CRM-M-33868-2020

Date of decision: 22.12.2020

HARDEEP SINGH AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Devender Arya, Advocate,
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab,
for respondent No.1.

Mr. Aman Sharma, Advocate,
for respondent No.2.

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.44 dated 17.05.2017 registered under Sections 406, 498 IPC (Sections 313 and 120-B IPC added lateron) at Police Station Commissionerate, Ludhiana, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 07.10.2020 (Annexure P-2).

This Court vide order dated 27.10.2020 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 Additional Sessions Judge, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.12.2020 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, Prabhjot Kaur has made her statement with regard to compromise before learned Magistrate on 27.11.2020. The same is reproduced as under:-

“I had got registered case FIR No.44 dated 17.5.2017 U/s 406/498-A IPC u/s 313/120-B IPC(added lateron) P.S.Women Cell, Ludhiana against Sukh Sohan Singh, Hardeep Singh and Ravinder Kaur. I have settled the matter amicably and have entered into compromise with Sukh Sohan Singh, Hardeep Singh and Ravinder Kaur with the intervention of respectables of both sides vide Compromise dated 7.10.2020. The original of the same is filed with petition of quashing in the Hon'ble High Court. I am not induced, threatened or promised to effect compromise either by Sukh Sohan Singh, Hardeep Singh and Ravinder Kaur or from anyone from their side and to make the statement. This compromise is executed with our free consent of all with the intervention of the respectables to create peaceful atmosphere in the society. I have no objection if the present FIR be quashed against above said accused persons. I am also placing on record photo copy of my Aadhar Card which is mark-P1.”

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 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.44 dated 17.05.2017 registered under Sections 406, 498 IPC (Sections 313 and 120-B IPC added lateron) at Police Station Commissionerate, Ludhiana, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 07.10.2020 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the High Court Bar Association in the Lawyers' Welfare Fund, within one month from today.

(HARI PAL VERMA)
JUDGE

22.12.2020
sanjeev

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