

271.

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

CRM-M-31602-2019

Date of decision: 22.01.2020

KANWARJIT SINGH AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ranjodh Singh Sidhu, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab,
for respondent No.1.

Mr. Y.P. Singla, 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.171 dated 20.12.2013 registered under Sections 406, 498-A of IPC at Police Station Nangal, District Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.06.2019 (Annexure P-2).

This Court vide order dated 29.08.2019 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 Sub Divisional Judicial Magistrate, Nangal and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.12.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any undue influence, pressure and coercion from any side.

Respondent No.2-complainant, namely, Harsimratjit Kaur has made her statement with regard to compromise before learned Magistrate on 06.12.2019. The same is reproduced as under:-

“Stated that FIR No.171 dated 20.12.2013 U/S 406, 498-A IPC was registered at PS Nangal by me against the accused persons, in which Kanwarjit Singh is kept as main accused in the report U/S 173 Cr.P.C. filed by the prosecution and Piara Singh, Sunita Kumari, Suprabhjit Kaur and Karanjit Singh are kept in column no.2 of the report U/S 173 Cr.P.C. After registration of FIR I have effected compromise voluntarily with the accused persons and we have amicably part our ways and as per the compromise I and Kanwarjit Singh have already filed joint petition U/S 13-B of HM Act, which is now pending for 04.01.2020. Now there is no dispute of any kind between us. The aforesaid compromise dated 19.06.2019 which is Annexure P2 filed with the petition before Hon'ble Punjab and Haryana High Court Chandigarh and same has been effected with the intervention of respectables and relatives and the same is genuine, voluntarily and without any coercion or undue influence. My Aadhar card are Ex.P6.”

Learned counsel for the petitioners states that in view of aforesaid statement of the complainant-Harsimratjit Kaur that the aforesaid FIR was registered at her behest against the petitioners-accused wherein petitioner No.1-Kanwarjit Singh has been kept as main accused in the report

Kaur and Karanjit Singh, the other petitioners in the present case, have been kept in column No.2 of the report under Section 173 Cr.P.C., the present petition now confines only qua petitioner No.1 as petitioners No.2 to 5 have been put in column No.2

Memorandum of appearance filed on behalf of respondent No.2 in court today, is taken on record. Learned counsel appearing on behalf of respondent No.2 admits the very factum of compromise between the parties. He states that the parties have filed a joint petition under Section 13-B of Hindu Marriage Act and a decree of divorce has also been granted in favour of the parties. He further states that he has no objection in case the present FIR is quashed qua the petitioners.

Learned State counsel also does not dispute 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.171 dated 20.12.2013 registered under Sections 406, 498-A of IPC at Police Station Nangal, District Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 19.06.2019 (Annexure P-2), however, that would be subject to payment of Rs.10,000/- to be deposited in the High Court Lawyers' Welfare Fund, within one month from today.

(HARI PAL VERMA)
JUDGE

22.01.2020

sanjeev

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