

278.

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

CRM-M-35035-2019

Date of decision: 05.02.2020

RAJPAL SINGH SAGGU

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab,
for respondent No.1.

None 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.90 dated 29.06.2016 registered under Section 498-A of IPC at Police Station Women Cell, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 02.04.2019 (Annexure P-5).

This Court vide order dated 27.08.2019 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 Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 06.01.2020 to the effect that the compromise has been effected between the parties with their free will, without any kind of pressure, threat or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Meenakshi but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 01.10.2019. The same is reproduced as under:-

“Stated that I am resident of above said address and an FIR no.90 dated 29.06.2016 (wrongly mentioned as 29.06.2019) under Section 498-A IPC PS Women Cell, Jalandhar was registered against the Rajpal Singh on my statement. The matter has been compromised with the above said persons in the presence of respectable of the locality on the basis of the said compromise Ex.PA. The above said compromise is genuine, voluntarily and without coercion or undue influence. I give my statement without any undue influence and the same is with my free consent. I have no objection, if the above said FIR/case be quashed. I identify my signatures on the compromise Ex.PA. Today I have brought my original Adhar Card and copy of the same is Ex.PB.”

Learned State counsel submits that trial is in process and as against 9 witnesses cited by the prosecution, 3 witnesses have been examined. However, she has not disputed the factum of compromise between the parties.

In view of the above, it being a matrimonial dispute and the complainant having suffered a statement in support of the compromise, 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.90 dated 29.06.2016 registered under Section 498-A of IPC at Police Station Women Cell, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 02.04.2019 (Annexure P-5), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Legal Services Authority, Punjab, within one month from today.

(HARI PAL VERMA)
JUDGE

05.02.2020
sanjeev

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