

245.

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

CRM-M-35866-2019

Date of decision: 08.01.2020

BAKSHISH KAUR AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Impinder Singh Dhaliwal, Advocate,
for the petitioners.

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

Mr. R.S. Sekhon, Advocate, for
Mr. N.S. Dandiwal, 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 DDR No.44 dated 22.05.2019 (Annexure P-2) in F.I.R. No.82 dated 22.05.2019 registered under Sections 324, 323, 141, 148, 149, 498-A, 506 of IPC at Police Station Dharamkot, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.08.2019 (Annexure P-3).

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 Judicial Magistrate Ist Class, Moga and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.01.2020 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, Balvir Singh has made his statement with regard to compromise before learned Magistrate on 03.10.2019. The same is reproduced as under:-

“It is stated that I am the complainant in the present case arising out of D.D.R. No.44 dated 22.05.2019 in FIR No.82 dated 22.05.2019 under Sections 324, 323, 141, 148, 149, 498-A, 506 of Indian Penal Code registered with Police Station Dharamkot, District Moga. The matter in dispute has been compromised amicably with the intervention of the respectable of society. I have effected compromise with accused party with my free will and without any threat, pressure or coercion. I have no objection if petition under Section 482 Cr.P.C. filed by accused in the Hon'ble Punjab and Haryana High Court is allowed and abovesaid FIR is quashed.”

Learned State counsel as well as 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 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 DDR No.44 dated 22.05.2019 (Annexure P-2) in F.I.R. No.82 dated 22.05.2019 registered under Sections 324, 323, 141, 148, 149, 498-A, 506 of IPC at Police Station Dharamkot, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.08.2019 (Annexure P-3), however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

08.01.2020
sanjeev

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