

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

279

CRM-M-37521-2019

Date of Decision:20.01.2020

Charandeep Singh and another

.....Petitioners

Versus

Union Territory, Chandigarh and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Ish Mahajan, Advocate for
Mr. Vinod Kumar, Advocate,
for the petitioners.

Mr. Amit Kumar Goyal, APP, U.T., Chandigarh.

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 FIR No.08 dated 07.01.2015 under Sections 406, 498-A IPC, registered at Police Station Sector 19, Chandigarh (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 08.03.2019 (Annexure P-2).

This Court vide order dated 05.09.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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 1st Class, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.10.2019 to the effect that the compromise has

been effected between the parties voluntarily and without any coercion or undue influence.

Though no one is present on behalf of respondent No.2-complainant-Kiranpreet Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before the learned Magistrate on 22.10.2019. The same is reproduced as under:-

“I have compromised with the accused Charandeep Singh and Surinder Kaur and a compromise deed between me and Charandeep Singh is Ex.P1. In terms of said compromise deed all the litigations pending between me and Charandeep have come to an end except the present FIR No.08, dated 07.01.2015, u/s 406-498-A IPC, PS Sector 19, Chandigarh. A petition under Section 13-B of the HMA was also filed by me and Charandeep Singh and the same has been decreed. I have received Rs.18 lakhs in the said petition u/s 13-B of HMA in terms of compromise deed Ex.P1. I have entered into this compromise with Charandeep Singh and Surinder Kaur with my free will and consent and there is no coercion or pressure upon me. I have no objection if the above said FIR and the proceedings thereunder are quashed.”

Learned counsel for the petitioners states that pursuant to the compromise so entered between the parties, petition filed by petitioner No.1 and respondent No.2 under Section 13-B of the Hindu Marriage Act has also been allowed and decree of divorce has been granted on 20.09.2019.

This fact is not disputed by learned State Counsel appearing on behalf of U.T., Chandigarh. He states that challan in the case has been presented and case is now fixed for evidence of the prosecution witnesses before the trial court. He 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 F.I.R.

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 when the disputes are substantially matrimonial in nature, or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes 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 of India.

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*, as approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303* also, in the light of *Gold Quest International Private Limited's case (supra)*, this petition is allowed and FIR No.08 dated 07.01.2015 under Sections 406, 498-A IPC, registered at Police Station Sector 19, Chandigarh (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 08.03.2019(Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients' Welfare Fund of **Post Graduate Institute of Medical Education and Research, Chandigarh.**

January 20, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No