

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

280

CRM-M-37540-2019

Date of Decision:20.01.2020

Jagdeep Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Suneet Pal Singh Aulakh, Advocate,
for the petitioners.**

Ms. Ruchika Sabharwal, AAG, Punjab.

**Mr. Mayur Karkra, 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 FIR No.14 dated 01.02.2019 under Sections 406, 498-A, 506 IPC, registered at Police Station Women Cell, Patiala (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 12.07.2019(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, Patiala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.11.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Sandeep Kaur, has made a statement with regard to compromise before learned Magistrate on 22.10.2019. The same is reproduced as under:-

“Stated that I have compromised the matter with the all three accused persons namely Bhagat Singh, Jagdeep Singh and Gurmeet Kaur. Now, I am residing at parental house at village Rohti Mouran Nabha. I have seen the photocopy of compromise/settlement deed and I have also identify my signature on it as well as signatures of accused persons on the said settlement and the copy of the same is mark A. The above said compromise was affected voluntarily without any force, coercion or undue influence. As per my knowledge, no person has been declared proclaimed offender in the present case. Today I have received Rs.two lac in the shape of demand draft no.364864 as part payment from accused persons and only Rs.six lac remains due against accused which shall be paid by accused on statement of second motion in the Ld. Family court, Patiala i.e. on 21.01.2020 as per compromise. Copy of demand draft is Mark B. I do not have any objection if present FIR be quashed. Copy of my Adhar card is Mark C.”

Learned counsel for the petitioners states that the matter has been compromised between the parties. Accordingly, petitioner No.1 is required to pay a sum of Rs.12 lakh to the complainant. Out of total agreed amount, an amount of Rs.6 lakh has already been paid and the remaining amount of Rs.6 lakh shall be paid at the time when second motion statement was recorded.

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 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.14 dated 01.02.2019 under Sections 406, 498-A, 506 IPC, registered at Police Station Women Cell, Patiala (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 12.07.2019(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 Bar Association of this Court.

Taking into consideration the interest of respondent No.2, petitioner No.1 shall pay the remaining amount of Rs.6 lakh to her at the time when second motion statement is recorded. Parties shall adhere to the terms & conditions of the compromise dated 12.07.2019(Annexure P-2) in letter & spirit and in case petitioner No.1 fails to pay the aforesaid amount

in terms of the settlement, the present petition shall be deemed to have been dismissed.

January 20, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No