

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

260

CRM-M-38849-2019

Date of Decision:30.01.2020

Swaran Singh @ Sarwan Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

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.076 dated 02.12.2018 under Sections 406, 498-A IPC, registered at Police Station Women, Amritsar City, District Amritsar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 07.09.2019(Annexure P-2).

This Court vide order dated 12.09.2019 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 1st Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 20.11.2019 to the effect that the compromise is

genuine, voluntarily made, without any threat, coercion and out of free will of the parties.

Though no one is present on behalf of respondent No.2-complainant-Ramneet Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 14.11.2019. The same is reproduced as under:-

“An FIR no.0076 dt. 02.12.2018 u/s 406, 498A IPC, PS Women, Amritsar City has been registered against the accused Swaran Singh @ Sarwan Singh, Jaswant Singh s/o Bhag Singh and Surinder Kaur @ Shinder Kaur w/o Jaswant Singh on my statement.

Now with the intervention of the respectables I along with Swaran Singh @ Sarwan Singh, Jaswant Singh s/o Bhag Singh and Surinder Kaur @ Shinder Kaur w/o Jaswant Singh have effected a compromise which is Ex.C1. I have no objection if above said FIR is quashed against the accused. I am the only complainant/effected/aggrieved party in the present case. The compromise has been effected voluntarily, without any pressure, coercion or undue influence.”

Learned State counsel has not disputed the factum of compromise between the parties. However, on instructions from ASI Tejinder Singh, she submits that the parties have filed the petition under Section 13-B of the Hindu Marriage Act, so as to get their marriage dissolved by way of mutual consent.

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.076 dated 02.12.2018 under Sections 406, 498-A IPC, registered at Police Station Women, Amritsar City, District Amritsar(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 07.09.2019(Annexure P-2), subject to payment of costs of ₹15,000/- to be deposited by the petitioners, within a period of one month from today with the **Govt. Medical College, Amritsar**. This money shall be spent for the treatment of poor patients within the knowledge of its Director.

January 30, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No