

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

262

CRM-M-39985-2019

Date of Decision:30.01.2020

Amandeep Singh Gill and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Ms. Sushma Chopra, Advocate,
for the petitioners.**

Ms. Ruchika Sabharwal, AAG, Punjab.

**Mr. Arihant Goyal, 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.18 dated 12.09.2015 under Sections 406, 498-A IPC, registered at Police Station Women, Jagraon, District Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 13.09.2019(Annexure P-2).

This Court vide order dated 19.09.2019 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 Sub Divisional Judicial Magistrate, Jagraon and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.11.2019 to the effect that the compromise effected

between the parties is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Gurpreet Kaur, has made a statement with regard to compromise before learned Magistrate on 18.11.2019. The same is reproduced as under:-

“Stated that a FIR bearing No.18 dated 12.09.2015, U/S 498-A, 406 IPC, P.S. Women Jagraon was lodged on the basis of my statement against accused Amandeep Singh Gill, Surinder Kaur and Prithivipal Singh, all residents of Ward No.14, Back side railway station, Philour, Distt. Jalandhar. Now with the intervention of respectable persons, I have compromised the matter with the accused persons vide compromise deed dated 13.09.2019. Only three persons namely Amandeep Singh Gill, Surinder Kaur and Prithivipal Singh are arrayed as accused in the present FIR. No accused has been declared proclaimed offender in the present case. The compromise is genuine, voluntary and without any coercion or undue influence and as per the compromise, I have received an amount of Rs.18,00,000/- and have also filed a divorce petition under Section 13-B of HMA in the Family Court, Jalandhar Camp Court at Philour. I have got recorded my first statement there also on 20.09.2019. Certified copies of my statement, statement of Amandeep Singh, copy of agreement and copy of compromise are being placed on record for the kind perusal of the Court. Both the parties should be bound by their terms or compromise. I have no objection, if the quashing filed by the accused persons is allowed by the Hon'ble High Court.”

Learned State counsel has not disputed the factum of compromise between the parties.

Learned counsel for the complainant-respondent No.2 admits the very factum of the compromise. He further states that even decree of divorce under Section 13-B of the Hindu Marriage Act has been granted.

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.18 dated 12.09.2015 under Sections 406, 498-A IPC, registered at Police Station Women, Jagraon, District Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 13.09.2019(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 Poor Patients' Welfare Fund of the **Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh**, within the time stipulated here-in-above.

January 30, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No