

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

268

CRM-M-40237-2019

Date of Decision:30.01.2020

Bhajan Kaur and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Ms. Alisha Monga, Advocate for
Mr. Jitender Singh Dadwal, Advocate,
for the petitioners.**

Ms. Ruchika Sabharwal, AAG, Punjab.

**Mr. Sanjeev Kumar, 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.0069 dated 09.05.2019 under Sections 498-A, 323 IPC, registered at Police Station Tarsikka, District Amritsar Rural(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 06.09.2019(Annexure P-2).

This Court vide order dated 19.09.2019 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

Amritsar, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 25.11.2019 to the effect that the compromise has been entered between the parties voluntarily, out of their free will and without any pressure or coercion and the same appears to be genuine.

Respondent No.2-complainant, namely, Baljinder Kaur, has made a statement with regard to compromise before learned Magistrate on 13.11.2019. The same is reproduced as under:-

“Stated that above said FIR was registered on my statement against Bhajan Kaur w/o Late Makhan Singh and Gurbhej Singh s/o Makhan Singh both r/o vill. Koharka, Tehsil & Distt. Tarn Taran. Now I have compromised the matter with the above said accused persons with the intervention of respectable persons. Compromise has been effected without any pressure on parties and without any coercion and with free will of the parties of disputes. Any of the accused is not proclaimed offender in this case. No other person is involved in the present FIR and challan has not presented till date. I have no objection if above said FIR and all the consequential proceedings are 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 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.0069 dated 09.05.2019 under Sections 498-A, 323 IPC, registered at Police Station Tarsikka, District Amritsar Rural(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 06.09.2019(Annexure P-2).

January 30, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No