

291.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-42517-2019

Date of decision: 26.02.2020

PARWINDER SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Varun Dhawan, Advocate,
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab,
for respondent No.1.

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 F.I.R. No.0084 dated 29.06.2019 registered under Sections 406/498-A of IPC at Police Station Kot-Ise-Khan, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 02.08.2019 (Annexure P-2).

This Court vide order dated 03.10.2019 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 Ist Class, Moga and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.02.2020 to the effect that the compromise appears to be genuine and has been effected between the parties voluntarily and out of free will of the parties, without their being any sort of pressure or coercion from any corner.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Karamjit Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 05.11.2019. The same is reproduced as under:-

“Stated that the above noted FIR no.84 dated 29.6.2019 under sections 406, 498A IPC was got registered by me against Parwinder Singh son of Amar Singh resident of village Nurpur Hakima, Tehsil Dharamkot District Moga. The name of my village is Daulewala Mayar but in the Aadhar Card, the name of my village is wrongly mentioned as Daulewala Mehal. Now with the intervention of respectables and relatives a compromise has been effected between me and accused. The compromise has been effected for our betterment and the same has been effected with our free will, without there being any sort of pressure or coercion from any corner. The photo copy of my adhar card bearing no.417796481642 is Mark-A. The petition filed by accused in the Hon'ble High Court may kindly be allowed and the instant FIR may kindly be quashed.”

Learned counsel for the petitioner states that since in the FIR, name of the petitioner has been mentioned as Parwinder Singh, it is for this reason, present petition has been file under the name of Parwinder Singh, whereas the name of the petitioner is Parminder Singh. He prays for

necessary correction in the name of petitioner mentioned in the petition.

Ordered accordingly.

Registry to carry out necessary correction in the memo of parties.

Learned State counsel has 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 FIR.

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 the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become 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.

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*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as also in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and F.I.R. No.0084 dated 29.06.2019 registered under Sections 406/498-A of IPC at Police Station Kot-Ise-Khan, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 02.08.2019 (Annexure P-2), however, that would be subject to

payment of costs of Rs.5,000/- to be deposited by the petitioner with the Poor Patients’ Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

26.02.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No