

279.

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

CRM-M-42528-2019

Date of decision: 26.02.2020

DILVEER SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Narinder Singh Dadwal, Advocate,
for the petitioner.

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

Mr. Jagjit Singh, 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 F.I.R. No.01 dated 05.01.2015 registered under Sections 498-A, 406 of IPC at Police Station Women Jagraon, District Ludhiana (R) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 24.09.2019 (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 Sub Divisional Judicial Magistrate, Jagraon and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.11.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion and undue influence.

Respondent No.2-complainant, namely, Harjinder Kaur has made her statement with regard to compromise before learned Magistrate on 05.11.2019. The same is reproduced as under:-

“Stated that a FIR bearing No.01 dated 05.01.2015, u/S 498-A, 406 IPC, P.S. Women Jagraon was lodged on the basis of my statement against accused Dalvir Singh. Now with the intervention of respectable persons, I have compromised the matter with the accused vide compromise deed dated 24.09.2019. Only one person namely Dilveer Singh is 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. I have no objection, if the quashing filed by the accused Dilveer Singh is allowed by the Hon'ble High Court.”

Learned State counsel as well as learned 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 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.01 dated 05.01.2015 registered under Sections 498-A, 406 of IPC at Police Station Women Jagraon, District Ludhiana (R) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 24.09.2019 (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