

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-46026 of 2019

Date of Decision: 18.03.2020

Gursewak Singh & others

...Petitioner(s)

Versus

The State of Punjab & others

...Respondent(s)

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

Present:- None for the petitioners.

Mr. Hittan Nehra, Addl.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.141 dated 02.11.2018 under Sections 498-A and 406 IPC registered at Police Station Jhunir, District Mansa (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

This Court vide order 29.10.2019 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Sub Divisional Judicial Magistrate, Sardulgarh and got their statements recorded. Learned Magistrate has forwarded her report dated 07.01.2020 to the effect that the compromise arrived at between the parties is genuine and voluntary and the same is not the result of any pressure, coercion or undue influence.

The statement of the complainant-Virpal Kaur recorded on 04.12.2019 reads as under:-

“Stated that FIR No.141 dated 02.11.2018 under Section 498-A/406 IPC, Police Station Jhunir was registered upon my statement against accused namely Gursewak Singh, Gurprit Singh, Manjit Kaur and Surjit Singh. Panchayat got effected a written compromise between me, witness Jaspal Kaur and accused Gursewak Singh, Gurprit Singh, Manjit Kaur and Surjit Singh. I put my signatures upon written compromise dated 16.10.2019, copy of which is mark-A. I also produce the copy of my Adhar card as Mark-B. I have effected compromise with the accused without any pressure or coercion and the compromise is genuine one. I have no objection if the present FIR be quashed against accused as per above compromise”.

Apart from above, similar statement of the victim has also been recorded, wherein she has shown no objection to the FIR being quashed.

Learned State counsel does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties and no useful purpose would be served to continue with the proceedings in the instant FIR.

Hon'ble the Apex Court in **Gold Quest International Private Ltd. vs. 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.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1352 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2013)13 SCC 303 and **Gold Quest International Private Ltd.** (*supra*), this petition is allowed and FIR No.141 dated 02.11.2018 under Sections 498-A and 406 IPC registered at Police Station Jhunir, District Mansa and the subsequent proceedings arising therefrom are quashed *qua* the petitioners, on the basis of compromise (Annexure P-2). However, this will be subject to payment of costs of Rs.10,000/-, which shall be paid by the petitioners with the Government Multi Speciality Hospital, Sector 16, Chandigarh within one month from today. The said amount shall be spent for the treatment of poor and needy patients under the supervision of Medical Superintendent of the Hospital.

March 18, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No