

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

280

CRM-M-47080-2019

Date of Decision:16.03.2020

Amar Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Ramanjeet Singh, Advocate,
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

None for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0101 dated 02.07.2019 under Sections 406, 498-A, IPC, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 10.09.2019(Annexure P-2).

This Court vide order dated 04.11.2019 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, the parties have appeared before learned Judicial Magistrate 1st Class, Fatehgarh Sahib and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.12.2019 to the effect that the

pressure or coercion in any manner.

Though no one is present on behalf of respondent No.2-complainant Pyara Singh in Court today, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 11.12.2019. The same is reproduced as under:-

“Stated that the present case against accused Amar Singh, Davinder Singh, Hardeep Kaur, Darshan Kaur, Jinder Kaur, Harvinder Singh was registered on the basis of my statement vide FIR No.101 dated 02.07.2019 under sections 406, 498-A IPC PS Fatehgarh Sahib. Now, I have compromised the matter with the accused Amar Singh aged 57 years son of Piara Singh, Davinder Singh aged about 25 years son of Amar Singh, Hardeep Kaur aged about 53 years wife of Amar Singh, Darshan Kaur aged about 52 years wife of Jaspal Singh, Jinder Kaur aged about 36 years daughter of Jaspal Singh, Harvinder Singh aged about 22 years son of Jaspal Singh all residents of House No.2173, Ward No.12, Sirhind District Fatehgarh Sahib. The said compromise has been effected with me is without any pressure, coercion and undue influence and same is genuine one and copy of the same is Ex.C1. Now we have no grudge with each other. Accused Amar Singh, Davinder Singh, Hardeep Kaur, Darshan Kaur, Jinder Kaur, Harvinder Singh are accused in this present FIR and none of the accused is proclaimed offender in this FIR. I have no objection if in view of the compromise, the abovesaid FIR be quashed.”

Apart from above, a similar statement has also been made by respondent No.3-Amandeep Kaur, whereby she has shown no objection to the present FIR being quashed.

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 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.0101 dated 02.07.2019 under Sections 406, 498-A, IPC, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 10.09.2019(Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with **Govt. Multi Speciality Hospital, Sector-16, Chandigarh** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

March 16, 2020
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(HARI PAL VERMA)
JUDGE

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