

232

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

CRM-M-29564-2020

Date of decision: 25.03.2021

Harmesh Singh and another

... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Inderpal Singh Parmar, Advocate,
for the petitioners.

Mr. H.S. Sitta, A.A.G., Punjab.

Mr. Jatinder Dadwal, 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.0048 dated 27.06.2019 under Sections 498-A/406/506 IPC, registered at Police Station Maloud, Khanna (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.09.2020 (Annexures P-2).

This Court vide order dated 11.12.2020 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, Payal and got their statements recorded.

On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.02.2021 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any undue influence or coercion.

Respondent No.2-complainant, namely, Kamalpreet Kaur has made her statement with regard to compromise before learned Magistrate on 09.02.2021. The same is reproduced as under:-

“I have compromised with accused Harmesh Singh son of Darshan Singh and Darshan Singh son of Sh. Joginder Singh both resident of H. No.4911 W. No. 12 Village Mundian Kalan, District Ludhiana in FIR No. 48 dated 27.06.2019, under sections 498-A/406/506 IPC PS. Maloud, voluntarily without any pressure and coercion from any part. Our written compromise has already been placed on file before the Hon’ble High Court. I do not want to prosecute the accused in the present FIR. I have no objection if the present FIR may kindly be quashed.”

Learned State counsel and 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.0048 dated 27.06.2019 under Sections 498-A/406/ 506 IPC, registered at Police Station Maloud, Khanna (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.09.2020 (Annexures P-2).

(HARI PAL VERMA)
JUDGE

March 25, 2021

mani

Whether speaking/reasoned?	Yes
Whether reportable?	No