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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34452-2020 (O&M)

Date of decision: 01.03.2021

JAGPAL SINGH AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Abhivadya Sood, Advocate,
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab,
for respondent No.1.

Mr. Yadwinder Singh, Advocate, for
Mr. Naresh Jain, Advocate,
for respondent No.2.

HARI PAL VERMA, J. (Oral)

CRM-5586-2021

Prayer in this application filed under Section 482 Cr.P.C. is to
place on record copy of the challan as Annexure P-4.

For the reasons stated in the application, same is allowed and
the document Annexure P-4 is taken on record.

CRM-5590-2021

Prayer in this application filed under Section 482 Cr.P.C. is to
add Section 406 of IPC in the prayer clause.

Counsel for the applicant-petitioners submits that initially when
the FIR was registered, the offence under Section 406 IPC was not there, but

it was only during challan, petitioners came to know that the offence under Section 406 IPC has also been added. The matter has otherwise been compromised qua Section 406 IPC as well.

Counsel appearing on behalf of the complainant has shown no objection to the aforesaid prayer.

Accordingly, the application is allowed and Section 406 IPC is permitted to be added in the prayer clause as well as in the headnote of the petition.

Registry is directed to carry out necessary correction in the headnote as well as prayer clause of the petition.

CRM-M-34452-2020

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0017 dated 25.01.2017 registered under Sections 498-A, 406 and 323 IPC at Police Station Sadar Patiala, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement deed dated 30.09.2020 (Annexure P-2).

This Court vide order dated 30.10.2020 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 Additional Chief Judicial Magistrate, Patiala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 12.11.2020 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any

coercion or undue influence.

Respondent No.2-complainant, namely, Manpreet Kaur has made her statement with regard to compromise before learned Magistrate on 02.11.2020. The same is reproduced as under:-

“Stated that I have compromised the matter with the accused Jagpal Singh and Bhagat Singh in respect of FIR No.17 dated 25.1.2017 under Sections 323, 406, 498-A IPC, P.S. Sadar, Patiala. The compromise is voluntarily, without any coercion, threat or undue influence. The compromise between us will lead to maintenance of peace and harmony between us and will improve our relations amongst each other. Our compromise is genuine compromise. There are only two accused in the present FIR and none of them has been declared as proclaimed offender/absconder. Challan in this case has already been presented. No other criminal proceedings are pending between the parties, except the present FIR. I request that above said FIR may kindly be quashed, being compromised. There is no other aggrieved person/injured in the present case. I tender my self attested copy of Adhar Card Ex.P1.”

Learned State counsel as well as counsel for respondent No.2-complainant 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.0017 dated 25.01.2017 registered under Sections 498-A, 406 and 323 IPC at Police Station Sadar Patiala, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement deed dated 30.09.2020 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

01.03.2021
sanjeev

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