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

CRM-M-34433-2020

Date of decision: 04.03.2021

Rupinder Singh and others

... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Naresh Kumar, Advocate,
for the petitioners.

Mr. Sukhbeer Singh, A.A.G., Punjab.

None for the 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.61 dated 27.06.2019 registered under Sections 406 and 498-A IPC at Police Station Bassi Pathana, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.06.2020 (Annexure P-2).

This Court vide order dated 29.10.2020 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 Chief Judicial Magistrate, Fatehgarh Sahib and got their statements recorded. On the basis of the statements so recorded, learned Magistrate

has submitted report dated 01.12.2020 to the effect that the compromise has been effected between the parties without any pressure or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Amanpreet Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 25.11.2020. The same is reproduced as under:-

“Stated that I am the victim/ complainant in the present case. I out of my free will have effected a compromise with all the accused persons in the present case. I place on record today the copy of compromise dated 05.07.2020 effected between me and accused persons. I have seen the photocopy of the said compromise and identify my signatures upon the same and the same is Ex.P1. The said compromise is the result of our free will and consent and without any pressure from any quarter. I have no objection if FIR against all the accused persons is quashed. The compromise in question is for the benefit for both the parties and to resolve the dispute amicably.”

Learned counsel for the petitioners submits that the offence under Section 201 IPC has wrongly been incorporated in the statement of the complainant recorded before learned Magistrate on 25.11.2020, whereas there is no such Section in the present FIR.

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 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.61 dated 27.06.2019 registered under Sections 406 and 498-A IPC at Police Station Bassi Pathana, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 05.06.2020 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

March 04, 2021
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Whether speaking/reasoned?	Yes
Whether reportable?	No