

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

231

CRM-M-44091-2020

Date of Decision:31.03.2021

Manpinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

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

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab,
for respondent No.1.

Mr. Kulwinder Singh, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.144 dated 15.10.2020 under Sections 498-A, 506 IPC, registered at Police Station Sadar Faridkot, District Faridkot(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 21.12.2020(Annexure P-2).

This Court vide order dated 05.01.2021 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court 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, Faridkot and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.01.2021 to the effect that the parties have compromised the matter voluntary, without any coercion or undue influence and the same appears to be genuine.

Respondent No.2-complainant, namely, Gurveer Kaur, has made a statement with regard to compromise before learned Magistrate on 27.01.2021. The same is reproduced as under:-

“Stated that the case bearing FIR No.144 dated 15.10.2020 under section 498-A & 506 of IPC, PS Sadar Faridkot was registered against (1) Manpinder Singh son of Gurjit Singh and (2) Gurjit Singh son of Gulaab Singh & (3) Gurpreet Kaur wife of Gurjit Singh, all residents of village Kot Bhai, District Faridkot, upon my statement for cruelty by making demand of dowry and threats of injury to me.

(1) Thus, there were three persons, namely (1) Manpinder Singh son of Gurjit Singh and (2) Gurjit Singh son of Gulaab Singh & (3) Gurpreet Kaur wife of Gurjit Singh, all residents of village Kot Bhai, District Faridkot, arrayed as accused in the FIR.

(2) None of the accused persons is declared as proclaimed offender/absconder.

(3) The matter is at the stage of investigation and challan/police report is yet to be presented in the court.

(4) Now with the intervention of the respectable persons and family relations from both the sides, the matter has finally stood compromised. Compromise between us is genuine, voluntary and out of our free will. I want to live in peace and harmony. I have got no objection if the above said case FIR and the proceedings arising therefrom may be quashed by Hon'ble the High Court of Punjab and Haryana at Chandigarh against the accused persons. I do not want to proceed against the accused persons. I have compromised the matter with the accused persons with my own sweet will and discretion and

without any pressure or threat or coercion or undue influence.”

Learned State counsel as well as 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 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.144 dated 15.10.2020 under Sections 498-A, 506 IPC, registered at Police Station Sadar Faridkot, District Faridkot(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 21.12.2020(Annexure P-2).

March 31, 2021
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No