

(2019) 08 P&H CK 0143

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 18465 Of 2019

Rajwinder Singh And Ors

APPELLANT

Vs

State Of Punjab And Anr

RESPONDENT

Date of Decision : 07-08-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 406, 498A
Constitution Of India, 1950 — Article 226

Citation : (2019) 08 P&H CK 0143

Hon'ble Judges : Hari Pal Verma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Hari Pal Verma, J

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0143 dated 03.12.2018 registered under Sections 406, 498-A of IPC at Police Station Women, District Ludhiana City (Annexure P- 1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 25.04.2019 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, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 31.07.2019 to the effect that the compromise has been effected between the parties voluntarily, without any sort of pressure, coercion and fear.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Parvinder Kaur but no prejudice would be caused to her as

she has already made her statement with regard to compromise before learned Magistrate on 30.07.2019. The same is reproduced as under:-

"Stated that I got lodged FIR no.143 dated 03.12.2018, U/s 406 & 498-A of the IPC, P.S. Women, Ludhiana, against the accused persons namely Rajwinder Singh, aged about 25 years S/o Joginder Singh, Joginder Singh aged about 79 years S/o Pritam Singh and Jaswant Kaur aged about 72 years W/o Joginder Singh, all R/o Village Kheri Sarfali, Tehsil Asand, District Karnal, Haryana. Now, I have entered into compromise with the above said accused persons out of my free will and without any sort of pressure and fear. As such, I do not want to pursue with the case against the accused persons as the matter has been compromised. I have no objection, if the aforesaid FIR is quashed against the accused persons. Accordingly, I will not initiate any legal proceedings regarding the said FIR against the accused persons. Today I have brought my Aadhar card as proof of my identify and the photocopy of same is Ex.PD."

Though the statement dated 21.05.2019 of the accused- petitioners, namely, Rajwinder Singh, Joginder Singh and Jaswant Kaur has been attached with the report, however, the same is not signed by Rajwinder Singh, but the petitioner- Rajwinder Singh has admitted the very compromise between the parties and a panchayati compromise (Annexure P-2) has already been attached with the main petition.

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.0143 dated 03.12.2018 registered under Sections 406, 498-A of IPC at Police Station Women, District Ludhiana City (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2), however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the Legal Services Authority, Punjab.