
(2019) 01 P&H CK 0435

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 34906 Of 2018

Sukhwinder Singh And Others

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 11-01-2019

Acts Referred:

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

Citation : (2019) 01 P&H CK 0435

Hon'ble Judges : Hari Pal Verma, J

Bench : Single Bench

Advocate : Sourabh Arora, Jagmohan Ghumman, Vishva Bahl

Final Decision : Allowed

Judgement

Hari Pal Verma, J

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0076 dated 10.09.2016 (Annexure P-1) under Sections 406, 498-A IPC, registered at Police Station PS Kathu Nangal, District Amritsar Rural and all the consequential proceedings arising therefrom on the basis of the compromise dated 27.07.2018 (Annexure P-2).

This Court vide order dated 16.08.2018 had directed the parties to appear before the trial court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise, however, parties could not appear. Again vide order dated 25.10.2018, another opportunity was granted to the parties to get their statements recorded in terms of the order dated 16.08.2018.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated

19.11.2018 to the effect that the parties have compromised the matter with their free consent and without any pressure, threat, coercion or undue influence from any quarter and the same is valid and genuine.

Respondent No.2-Complainant, namely, Mandeep Kaur, has made a statement with regard to compromise before learned Magistrate on 02.11.2018. The same is reproduced as under:-

"Stated that I got registered above-said FIR No.76 dated 10.9.2016 under Sections 406, 498-A IPC Police Station Kathunangal Amritsar against four accused persons namely Gurdarshan Singh, Kashmir Kaur, Gurtej Singh and Sukhwinder Singh all residents of village Nangal Dyal Singh Teh./Dist. Amritsar. Now with the intervention of respectables, compromise has been effected with the accused persons and we have filed a quashing petition CRM-M No.34906 of 2018 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing FIR No.76 dated 10.9.2016 under Sections 406, 498-A, IPC Police Station Kathunangal Amritsar. The said compromise is legal, genuine and voluntarily and amicably effected with my free will and consent and without any kind of pressure, force, threat, coercion or undue influence from any quarter. Now I have no grudge against accused and I have no objection if the present FIR be quashed against accused. Today I have received Rs.1 lakh cash from accused. I have produced copy of my identity proof as Ex.C-1. I identify all the accused present in the court today. This FIR was registered against four accused persons namely Gurdarshan Singh, Kashmir Kaur, Gurtej Singh and Sukhwinder Singh and no accused has been declared as proclaimed offender."

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. FIR No.0076 dated 10.09.2016 (Annexure P-1) under Sections 406, 498-A IPC, registered at Police Station PS Kathu Nangal, District Amritsar Rural and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the

basis of the compromise dated 27.07.2018 (Annexure P-2), subject to payment of costs of ` 15,000/- to be paid by the petitioners, within a period of 15 days from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.