

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

CRM-M-3037 of 2019.

Decided on:- April 30, 2019.

Ravi Kumar @ Ravi and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- None for the petitioners.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

None for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.20 dated 11.02.2017 under Sections 498-A and 406 IPC registered at Police Station Dhariwal, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise effected between the parties by way of settlement agreement dated 28.07.2017 (Annexure P-2) before the Mediation and Conciliation Centre of this Court.

This Court vide order dated January 23, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective

statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2-complainant have appeared before learned Chief Judicial Magistrate, Gurdaspur and got their statements recorded on 25.02.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 27.03.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Kajal. She has made a statement before learned Magistrate in support of the compromise. Though no one has put in appearance on behalf of the petitioners as well as respondent No.2-complainant, but it would not cause any prejudice to their interest as both the parties have made their respective statements before learned Magistrate in support of the compromise. The statement of respondent No.2-complainant so recorded by learned Magistrate on 25.02.2019 reads as under:

“Stated that the matter has been compromised between me and accused Ravi Kumar @ Ravi son of Rulda, Rulda son of Danial and Suman wife of Rulda, All residents of Mohalla Gandhi, near BSNL Exchange, Tehsil and District Pathankot. The compromise has been entered into out of our free will without any pressure. There are three accused arrayed in the present case i.e. FIR No.20 Dated 11.02.2017, Under Section 498-A, 406 IPC, P.S. Dhariwal. None of accused has been declared Proclaimed Person in the present case. No other case is pending between us and accused.

I have no objection in case the FIR against aforementioned accused is quashed. Copy of the Aadhaar card of complainant is Ex.C1.”

Learned State counsel has not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

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 well as the law laid down in ***Gold Quest International Private Limited's case (supra)***, the present petition is allowed and the FIR No.20 dated 11.02.2017 under Sections 498-A and 406 IPC registered at Police Station Dhariwal, District Gurdaspur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise effected between the parties by way of settlement

agreement dated 28.07.2017 (Annexure P-2) before the Mediation and Conciliation Centre of this Court.

April 30, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No