

271.

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

**CRM-M-3911-2019**

Date of decision:06.05.2019

ABHISHEK

... Petitioner

versus

STATE OF PUNJAB AND ANR.

.... Respondents

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

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Present: Mr. Baldev Singh Badhran, Advocate,  
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab,  
for respondent No.1.

Mr. Ravi Kant, Advocate,  
for respondent No.2.

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**HARI PAL VERMA, J.(Oral)**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.52 dated 01.06.2017 registered under Sections 406, 498-A of IPC at Police Station Women Cell, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/statement dated 17.01.2019 recorded before learned Additional Principal Judge Family Court, Patiala (Annexures P-2 & 3).

This Court vide order dated 28.01.2019 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, Patiala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.04.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Respondent No.2-complainant, namely, Avneet Kaur has made her statement with regard to compromise before learned Magistrate on 08.03.2019. The same is reproduced as under:-

*“Stated that I am the complainant of present case FIR no.52 dated 1.6.2017, U/ss 406/498-A IPC registered at P.S. Women, Patiala, which has been get registered by me against the accused Abhishek and Kirpal Singh, Madhumina and Anmol Saini were summoned as accused U/s 319 Cr.P.C. Now due to intervention of respectables of locality and common friends, I have compromised with the accused voluntarily, out of free will and without any coercion or undue influence. That I alongwith accused Abhishek have filed joint divorce petition U/s 13-B of Hindu Marriage Act and same is pending before the court of Sh. Deepak Kumar Choudhary, learned Addl. Principal Judge, Family Court, Patiala. I have no objection if present FIR and proceedings arising out of present FIR against the accused Abhishek as well as against Kirpal Singh, Madhumina and Anmol Saini are quashed by the Hon'ble Punjab and Haryana High Court after passing of decree of divorce by the learned Court. I am giving this statement voluntarily, out of free will and without any coercion or undue influence. The compromise between us is genuine.”*

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

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.52 dated 01.06.2017 registered under Sections 406, 498-A of IPC at Police Station Women Cell, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/statement dated 17.01.2019 recorded before learned Additional Principal Judge Family Court, Patiala (Annexures P-2 & 3).

(HARI PAL VERMA)  
JUDGE

06.05.2019  
sanjeev

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|----------------------------|--------|
| Whether speaking/reasoned? | Yes/No |
| Whether reportable?        | Yes/No |