

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

CRM-M-6142 of 2019.

Decided on:- May 09, 2019.

Jashanpreet Singh and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Rajesh Kapila, Advocate
for the petitioners.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

Mr. Ishaan Singh, Advocate for
Ms. Karmanjot Kaur, Advocate
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 19.11.2018 under Sections 406 and 498-A IPC registered at Police Station Women, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 30.01.2019 (Annexure P-2) effected between the parties.

This Court vide order dated 08.02.2019 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, Ferozepur and got their statements recorded on 26.02.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 18.03.2019 to the effect that the compromise entered into between the parties 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 Gurpreet Kaur. Her statement made before learned Magistrate on 26.02.2019 in support of the compromise reads as under:

“Stated that I have effected compromise with petitioner/accused Jashanpreet Singh son of Harpal Singh, Jaswinder Kaur wife of Harpal Singh, both residents of village Wadda Ghar, Tehsil Bagha Puranam District Moga in case FIR No.20 dated 19.11.2018 under Sections 498-A/406 of IPC, PS Women, District Ferozepur, voluntarily with the intervention of respectable of locality without any inducement, threat or pressure. There are two accused involved in the present FIR and none of the accused is declared proclaimed offender in the present case.”

Learned State counsel and learned counsel for respondent No.2-complainant have also 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 19.11.2018 under Sections 406 and 498-A IPC registered at Police Station Women, District Ferozepur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 30.01.2019 (Annexure P-2) effected between the parties, however, subject to payment of costs of Rs.5,000/- to be paid by the petitioners to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

May 09, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No