

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

CRM-M-7242 of 2019.

Decided on:- May 29, 2019.

Ranjit Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Shubhashish Kukreti, Advocate
for the petitioners.

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

None for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.3 dated 04.01.2017 under Sections 494 and 498-A IPC registered at Police Station Women, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 08.02.2019 (Annexure P-2).

This Court vide order dated 15.02.2019 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 Judicial Magistrate 1st Class, Patiala and got their statements recorded on 12.03.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 05.04.2019 to the effect that the compromise is genuine and is without any pressure or coercion and volunteer.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Rajwinder Kaur. Though no one has put in appearance on her behalf today, but no prejudice would be caused to her as she has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 12.03.2019 reads as under:

“Stated that I am the complainant of present case FIR No.3 dated 04.01.2017, U/s 498-A/494 of IPC registered at P.S. Women, Patiala, which has been got registered by me against the accused Ranjit Singh, Surinder Kaur, Neetu, Raji and only these four persons have been arrayed as accused in the present case FIR. The challan was presented in the present case FIR under Section 406, 498-A, 494 IPC. I am the only complainant of present case FIR and there is no other injured/aggrieved in the present case FIR. Now due to intervention of respectable of locality and common friends, I have compromised with the accused voluntarily, out of free will and without any coercion or undue influence. I have no objection if present FIR and proceedings arising out of present FIR against the accused Ranjit Singh, Surinder Kaur, Neetu, Raji are quashed by the Hon’ble Punjab and Haryana High 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 counsel for the petitioners has stated that apart from the fact that the matter has been compromised between the parties, the petitioner No.1 and respondent No.2 are staying together as husband and wife.

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.3 dated 04.01.2017 under Sections 494 and 498-A IPC registered at Police Station Women, District Patiala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 08.02.2019 (Annexure P-2).

May 29, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No