

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

CRM-M-10874 of 2019.

Decided on:- September 16, 2019.

Rakesh Kumar.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Sanjeet Singh Taank, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.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.28 dated 29.06.2017 under Sections 406 and 498-A IPC registered at Police Station Women, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.02.2019 (Annexure P-2).

This Court vide order dated 08.03.2019 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. However, the parties could not appear there. Thereafter, again vide order dated 22.05.2019, one more opportunity was granted to the parties to get their statements recorded in terms of order dated 08.03.2019 passed by this Court.

Pursuant to the aforesaid order, the petitioner as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Amritsar and got their statements recorded on 11.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 12.09.2019 to the effect that the compromise is genuine, voluntarily made, without any threat, coercion and out of free will of the parties.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Sania. Though none has put in appearance on behalf of respondent No.2, but it would not cause any prejudice to her in any manner as she has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 11.09.2019 reads as under:

“An FIR No.28 dated 29.06.2017 u/s 406, 498-A IPC, PS Women Cell has been registered against the accused Rakesh Kumar, Geeta and Manoj Kumar on my statement.

Now I alongwith Rakesh Kumar, Geeta and Manoj Kumar have effected a compromise. I have no objection if above said FIR is quashed by the Hon’ble Punjab and Haryana High Court. The compromise has been effected voluntarily, without any pressure, coercion or undue influence.”

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 petitioner 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.28 dated 29.06.2017 under Sections 406 and 498-A IPC registered at Police Station Women, District Amritsar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 26.02.2019 (Annexure P-2).

September 16, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No