

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

CRM-M-14612 of 2019.

Decided on:- May 29, 2019.

Rakesh Bagga and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Kuldeep V. Singh Ahluwalia, Advocate
for the petitioners.

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

Mr. Suneet Pal Singh Aulakh, Advocate
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.50 dated 27.07.2015 under Sections 498-A and 406 IPC registered at Police Station Women Cell, District Jalandhar City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/agreement dated 11.07.2018 (Annexure P-2).

This Court vide order dated 29.03.2019 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.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2-complainant have appeared before learned Judicial

Magistrate 1st Class, Jalandhar and got their statements recorded on 30.04.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 28.05.2019 to the effect that the compromise has been validly effected. The parties were also inquired personally to which they have stated that the compromise has been effected as per their free will and without any kind of pressure, threat or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Isha. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 30.04.2019 reads as under:

“Stated that I am resident of above said address and an FIR No.50 dated 27.07.2015 under Section 406, 498-A IPC PS Women Cell, Jalandhar was registered against Rakesh Bagga on my statement and accused Satpal Bagga and Smt. Anita Bagga were summoned as accused under Section 319 of Cr.P.C. in this case. The matter has been compromised with the accused persons in the presence of respectable of the locality on the basis of the said compromise Ex.C4. I have no objection, if the above said FIR/case be quashed. The above said compromise is genuine, voluntarily and without coercion or undue influence. I give my statement without any undue influence and the same is with my free consent. I identify my signatures on the compromise Ex.C4. Today I have brought my original driving licence and copy of the same is Ex.PA1.”

Learned State counsel and learned counsel for respondent No.2 have 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.50 dated 27.07.2015 under Sections 498-A and 406 IPC registered at Police Station Women Cell, District Jalandhar City (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/agreement dated 11.07.2018 (Annexure P-2).

May 29, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No