

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

CRM-M-14777 of 2019.

Decided on:- November 15, 2019.

Kulwinder Singh Jhanda and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Rakesh Bakshi, Advocate
for the petitioners.

Mr. Saurav Khanna, D.A.G., Punjab.

Mr. Nitin Verma, 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.138 dated 25.09.2018 under Sections 498-A, 406, 420 and 120-B IPC registered at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.02.2019 (Annexure P-2).

This Court vide order dated 01.04.2019 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. Since the parties could not appear before the Illaqa Magistrate/trial Court for recording their statements

in support of compromise, one more opportunity was granted by this Court vide order dated May 23, 2019.

Pursuant to the aforesaid order dated May 23, 2019, the petitioners No.1 to 3 and respondent No.2-complainant have appeared before learned Sub Divisional Judicial Magistrate, Mukerian and got their statements recorded on 12.07.2019. Petitioner No.1 had made statement being power of attorney of petitioners No.4 to 6 as well. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 06.09.2019 to the effect that the matter has been settled amicably between the parties without any pressure, undue influence or coercion.

Learned counsel for respondent No.2-complainant, on instructions from respondent No.2, who is present in Court, submits that the matter has been compromised between the parties.

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.138 dated 25.09.2018 under Sections 498-A, 406, 420 and 120-B IPC registered at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.02.2019 (Annexure P-2), however, subject to payment of total costs of Rs.10,000/- 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.

November 15, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No