

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

CRM-M-15303 of 2019.

Decided on:- October 22, 2019.

Harjit Singh and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Amit Dhawan, Advocate
for the petitioners.

Mr. Sukhbeer Singh, A.A.G., Punjab.

Mr. Prabhjot Singh, Advocate for
Mr. Abhimanyu Vinayak, Advocate
for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.6 dated 18.01.2019 under Sections 498-A and 406 IPC registered at Police Station Lohian, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.02.2019 (Annexure P-2) and affidavits dated 16.03.2019 (Annexures P-3 and P-4).

This Court vide order dated April 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, respondents

No.2 and 3 could not appear. Again vide order dated 19.07.2019, another opportunity was granted to the parties to get their statements recorded.

Pursuant to the aforesaid order, the petitioners as well as respondents No.2 and 3 have appeared before learned Judicial Magistrate 1st Class, Nakodar and got their statements recorded on 19.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 20.08.2019 to the effect that the compromise on the face of it appears to be genuine one having been arrived at by the parties with the intervention of respectables.

The FIR in question has been recorded on the basis of statement of respondent No.3-complainant Balwinder Singh. He has already made a statement before learned Magistrate in support of the compromise. His statement so recorded by learned Magistrate on 19.08.2019 reads as under:

“Stated that FIR No.06 dated 18.01.2019 under Sections 498A, 406 IPC PS Lohian, Distt. Jalandhar has registered against Harjit Singh, Balwinder Singh, Prabhjit Singh and Sarabjit Kaur at my statement. We have effected compromise with the intervention of the respectable persons of village Kang Kalan and Sindhar Tehsil Shahkot, without any threat, pressure, coercion. As per the compromise my daughter Hardeep Kaur and her husband Harjit Singh have jointly filed a divorce petition under Section 13 B Hindu Marriage Act before the Principal Judge of Family Court Jalandhar, which is fixed for 23.09.2019 for second statement. We have no grudge against each other. All the dowry articles, Istridhan, Gold Ornaments have been received by my daughter Hardeep Kaur from her husband Harjit Singh and other family members. I have no objection if the abovesaid FIR be quashed against the petitioners.”

Similarly, respondent No.2 Hardeep Kaur has also made a statement before learned Magistrate in support of compromise.

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, petitioner No.1 Harjit Singh and respondent No.2 Hardeep Kaur have already filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by way of mutual consent, wherein their statements on first motion have already been recorded.

Learned counsel for respondents No.2 and 3 does not dispute the aforesaid fact.

Learned State counsel also does not dispute the factum of compromise between the parties and states that investigation is complete and Challan has been presented in the case.

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.6 dated 18.01.2019 under Sections 498-A and 406 IPC registered at Police Station Lohian, District Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 28.02.2019 (Annexure P-2) and affidavits dated 16.03.2019 (Annexures P-3 and P-4), 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.

October 22, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No