

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

CRM-M-16759 of 2019.

Decided on:- September 27, 2019.

Harpreet Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Rajiv Sharma, Advocate
for the petitioners.

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

Mr. Hazara Singh Virk, Advocate for
Mr. Lakhwinder Singh Mann, 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.24 dated 27.02.2017 under Sections 498-A and 406 IPC registered at Police Station Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 10.01.2019 (Annexure P-2).

This Court vide order dated 11.04.2019 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. Thereafter, one more opportunity was granted to the parties to make their statements before learned Magistrate vide order dated July 19, 2019 passed by this Court.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Fatehgarh Sahib and got their statements recorded on 25.07.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 07.08.2019 to the effect that the compromise effected between the parties is voluntary and is not the result of any pressure or coercion in any manner.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Sandeep Kaur. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 25.07.2019 reads as under:

“Stated that I have got registered FIR No.24 dated 27.02.2017 under Sections 406, 498-A of the Indian Penal Code, Police Station Fatehgarh Sahib only against three persons i.e. accused Harpreet Singh, Gurmeet Singh and Rajwinder Kaur. All the accused are on bail and no one is proclaimed offender in the present case. Now with the intervention of respectable, I have voluntarily compromised the matter with the accused without any pressure or influence and the said compromise is genuine, voluntary and without any coercion or undue influence. I have seen copy of compromise dated 10.01.2019 today, which bears my signatures as well as signatures of accused Harpreet Singh. The same is for the welfare of both the parties and will bring peace and harmony between the parties for all the times to come. I identify my signature on Ex.PX which is correct. I have no objection if the said FIR be quashed.”

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.24 dated 27.02.2017 under Sections 498-A and 406 IPC registered at Police Station Fatehgarh Sahib (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 10.01.2019 (Annexure P-2).

September 27, 2019

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No