

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

CRM-M-17850 of 2019.

Decided on:- August 06, 2019.

Ramllok Kaushal and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- None.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.73 dated 13.04.2016 under Sections 323, 342, 406 and 498-A I.P.C. registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of statement dated 18.02.2019 (Annexure P-2) made by respondent No.2-complainant before learned Additional Civil Judge (Senior Division), Amloh.

This Court vide order dated 23.04.2019 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.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2-complainant have appeared before learned Sub-Divisional Judicial Magistrate, Amloh and got their statements recorded on 22.05.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 22.05.2019 to the effect that the compromise

between the parties is genuine and valid and is not the result of any pressure or coercion in any manner.

The report submitted by learned Magistrate further shows that Challan has not been presented against petitioner No.4 Ranu and petitioner No.6 Ritu Saggar.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Leena Kakkar. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 22.05.2019 reads as under:

“With the intervention of respectable persons, I have entered into compromise with accused Ajay Kaushal and his family consisting of all the accused and this compromise has been effected is genuine, voluntarily and without any coercion and undue influence. Compromise is not the result of any pressure or coercion in any manner and same is with the free will and voluntary. Present FIR may kindly be quashed in view of the compromise. I have no objection for quashing of the FIR No.73 dated 13.4.2016 under section 323/342/406/498-A IPC P.S. Mandi Gobindgarh, District Fatehgarh Sahib alongwith all other subsequent proceedings. Now i have no grudge against accused Ajay Kaushal and other accused. The original compromise shall be filed before the Hon’ble Punjab and Haryana High Court and said compromise is genuine one document which is signed by me. Copy of compromise is Ex.C1. No criminal case is pending against me. I am not proclaimed offender in any 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.73 dated 13.04.2016 under Sections 323, 342, 406 and 498-A I.P.C. registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of statement dated 18.02.2019 (Annexure P-2) made by respondent No.2-complainant before learned Additional Civil Judge (Senior Division), Amloh.

August 06, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No