

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

CRM-M-18840 of 2019.

Decided on:- December 03, 2019.

Vikramjeet Singh and another

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Ms. Anu Sharma, Advocate for
Mr. Kohal Dev Sharma, Advocate
for the petitioners.

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

None 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.5 dated 15.04.2015 under Sections 498-A and 406 IPC registered at Police Station Women Jagraon, District Ludhiana Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 05.02.2018 (Annexure P-2).

Learned counsel for the petitioners states that it has come to the notice of the petitioners that the offence under Section 120-B IPC has also been added in the F.I.R. Therefore, she prays for quashing of the aforesaid FIR for the offence under Section 120-B IPC as well.

This Court vide order dated April 29, 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 Mohinder Kaur, who is also special power of attorney of her daughter i.e. respondent No.3 Sukhpreet Kaur have appeared before learned Judicial Magistrate 1st Class, Jagraon and got their statements recorded on 27.05.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 31.05.2019 to the effect that the compromise is genuine, voluntarily and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Mohinder Kaur. Though none has put in appearance on behalf of respondents No.2 and 3 in Court, but it would not cause any prejudice to the complainant as she has already made a statement in support of compromise before learned Magistrate on 27.05.2019, which reads as under:

“Stated that present FIR was registered on my statement against accused Vikramjeet Singh and Paramjit Singh both residents of House No.357 Greater Kailash Jalandhar. With the intervention of respectables, we have compromised the matter with both the accused without any pressure or coercion. That I am lawful attorney of Sukhpreet Kaur which is Ex.C2 and Sukhpreet Kaur is my real daughter. The said compromise Ex.C1 is voluntarily and without any coercion or undue influence. No

other criminal proceedings are pending between us. We have no objection if the present FIR may be quashed against Vikramjeet Singh and Paramjit Singh. Accused are not PO in this case.”

Learned counsel for the petitioner states that Respondent No.3 Sukhpreet Kaur is wife of petitioner No.1 Vikramjeet Singh. The respondent No.2-complainant is holding power of attorney of her daughter i.e. respondent No.3. Thus, there is no impediment to quash the aforesaid FIR on the basis of compromise when the respondent No.3 has authorised her mother respondent No.2 Mohinder Kaur to enter into compromise with the petitioners on her behalf.

Learned State counsel does not dispute the factum of compromise 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.5 dated 15.04.2015 under Sections 498-A and 406 IPC (Section 120-B IPC added later on) registered at Police Station Women Jagraon, District Ludhiana Rural (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 05.02.2018 (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.

December 03, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No