

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

CRM-M-19883 of 2019.

Decided on:- August 09, 2019.

Balvinder Singh.

.....Petitioner.

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.21 dated 29.11.2018 under Sections 406 and 498-A I.P.C. registered at Police Station Women SAS Nagar, Mohali (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of family compromise dated 14.01.2019 (Annexure P-2).

This Court vide order dated 02.05.2019 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 petitioner as well as respondent No.2-complainant have appeared before learned Chief Judicial Magistrate, Mohali and got their statements recorded on 28.05.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 24.06.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Jaswinder Kaur. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 28.05.2019 reads as under:

“Stated that in the above mentioned FIR a compromise has been reached with the accused namely Balwinder Singh son of Surjit Singh, R/o House No.53, Rana Complex, Babiya Ambala Cantt, Haryana (petitioner before the Hon’ble High Court). The copy of compromise dated 14.01.2019 is Mark C1 on which I have identified my signatures. I have entered the compromise with the above said accused voluntarily, without any threat or coercion and the same is genuine. I have brought my original Aadhar Card and copy of the Aadhar Card is Annexure C2.”

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner 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 FIR No.21 dated 29.11.2018 under Sections 406 and 498-A I.P.C. registered at Police Station Women SAS Nagar, Mohali (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of family compromise dated 14.01.2019 (Annexure P-2).

August 09, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No