

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

(1) CRM-M-40968 of 2018.
Decided on:- February 28, 2019.

Arshpreet Singh Bagga.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

(2) CRM-M-6746 of 2018 (O&M)

Gawinder Singh and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Abhivadya Sood, Advocate
for the petitioner in CRM-M-40968 of 2018.

Mr. Abhivadya Sood, Advocate for
Mr. Sanjeev Kumar Bawa, Advocate
for the petitioners in CRM-M-6746 of 2018.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

This order shall dispose of the aforesaid two petitions filed under
Section 482 of the Code of Criminal Procedure, 1973 i.e. ***CRM-M-40968 of
2018*** titled as ***Arshpreet Singh Bagga Versus State of Punjab and another***
and ***CRM-M-6746 of 2018*** titled as ***Gawinder Singh and others Versus State***

of Punjab and others as both these petitions have arisen from a common FIR No.71 dated 23.08.2017 under Sections 498-A and 406 IPC registered at Police Station Women Cell, District Police Commissionerate, Ludhiana (Annexure P-1).

The first petition i.e. *CRM-M-40968 of 2018* has been filed by petitioner Arshpreet Singh Bagga for quashing of the aforesaid FIR and all subsequent proceedings arising therefrom on the basis of compromise deed dated 26.07.2018 (Annexure P-2), whereas the second petition i.e. *CRM-M-6746 of 2018* has been filed by petitioners Gawinder Singh, Jagbir Kaur and Prerna Kaur for quashing of the aforesaid FIR and all subsequent proceedings arising therefrom on merits.

However, for convenience and clarity, detailed order is being passed in *CRM-M-40968 of 2018* titled as *Arshpreet Singh Bagga Versus State of Punjab and another*.

This Court vide order dated September 17, 2018 had directed the parties to appear before the trial Court/Illaq Magistrate 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 had made their statements before learned Magistrate, but complainant Manveen Kaur did not appear there. Thereafter, vide order dated November 19, 2018 passed by this Court, the complainant was also directed to make her statement before the Illaq Magistrate/trial Court and the Court was directed to submit the report in terms of order dated September 17, 2018 passed by this Court. Accordingly, complainant Manveen Kaur also appeared before learned Magistrate on

02.02.2019 and made statement in support of the compromise. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 11.02.2019 to the effect that the compromise between the parties is genuine, voluntarily and out of free will of the parties.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Manveen Kaur. Though no one has put in appearance on her behalf, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded before learned Magistrate on 02.02.2019 reads as under:

“Stated that I already got recorded my statement on 17.10.2018 in view of order dated 17.09.2018 passed in CRM-M-40968 of 2018. I have entered into compromise with the accused persons namely Arshpreet Singh Bagga s/o Gawinder Singh, Gawinder Singh s/o Gurbant Singh, Jagbir Kaur w/o Gawinder Singh and Prerna Kaur d/o Gawinder Singh, out of my free will and without any sort of pressure and fear. My second motion statement to dissolve my marriage with accused Arshpreet Singh Bagga has been recorded in a divorce petition u/s 13-B of the HMA filed by me in the court of Sh. K.K. Kareer, Ld. Principal Judge of family courts, Ludhaina. As such, I do not want to pursue with the present criminal case against the above said accused persons, as the matter has been compromised and the copy of compromise is Ex.C1. I have no objection, if the said FIR be quashed against the above said accused persons. Accordingly, nobody would initiate any legal proceedings regarding the said FIR against each other. Today I have brought my aadhar card as proof of my identity. Photocopy of the same is Ex.PA.”

Learned State counsel has not disputed the factum of compromise effected between the parties.

The connected petition i.e. **CRM-M-6746 of 2018** titled as **Gawinder Singh and others Versus State of Punjab and others** was filed by the petitioners for quashing of the FIR on merits, but since the complainant has compromised the matter with all the petitioners, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners in both the petitions 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)**, both these petitions are allowed and the FIR No.71 dated 23.08.2017 under Sections 498-A and 406 IPC registered at Police Station Women Cell, District Police Commissionerate, Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners in both the petitions on the basis of compromise

deed dated 26.07.2018 (Annexure P-2), however, subject to payment of 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.

Photocopy of this order be placed on the file of other connected case.

February 28, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No