

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

CRM-M-19828 of 2019.

Decided on:- August 09, 2019.

Ravi Parkash @ Ravi.

.....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.11 dated 14.10.2018 under Sections 406, 498-A and 506 I.P.C. registered at Police Station Women, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 24.04.2019 (Annexure P-3).

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, Ferozepur 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 01.07.2019 to the effect that the compromise has been effected and entered into with free will, without coercion and pressure.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Tanu. 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 I am the complainant of FIR No11 dated 14.10.2018 under section 406, 498-A, 506 IPC P.S. Women Cell, Ferozepur. Now a compromise has been effected between me and accused Ravi Parkash with the intervention of Mediation and Conciliation Centre of Punjab and Haryana High Court, Chandigarh. Hence, I do not want to proceed with the present FIR and I have no objection if the same is quashed. The compromise/settlement dated 10.04.2019 is already on file which bears my signature, my father’s signatures and signatures of the accused. I have no objection in case the petition for quashing be accepted and the present FIR be quashed. The compromise has been effected without any pressure or coercion from any corner.”

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.11 dated 14.10.2018 under Sections 406, 498-A and 506 I.P.C. registered at Police Station Women, District Ferozepur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 24.04.2019 (Annexure P-3).

August 09, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No