

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

CRM-M-21085 of 2019.

Decided on:- August 09, 2019.

Bhupinder Singh and another

.....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.28 dated 27.12.2018 under Sections 406 and 498-A I.P.C. registered at Police Station Women, District SAS Nagar (Mohali) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.01.2019 (Annexure P-2).

This Court vide order dated 09.05.2019 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 petitioners as well as respondent No.2-complainant have appeared before learned Chief Judicial Magistrate, SAS Nagar Mohali and got their statements recorded on 29.05.2019. 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 Harpreet Kaur. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 29.05.2019 reads as under:

“Stated that in the above mentioned FIR a compromise has been reached with the accused namely Bhupinder Singh, aged about 27 years, son of Jeet Singh and Shami Kaur, aged about 43 years, wife of Jeet Singh, both residents of Alawal Majra, Tehsil Rajpura, District Patiala, Punjab (accused in the present case and petitioners before the Hon’ble High Court). The copy of compromise dated 29.01.2019 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 Mark C2.”

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 FIR No.28 dated 27.12.2018 under Sections 406 and 498-A I.P.C. registered at Police Station Women, District SAS Nagar (Mohali) (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 29.01.2019 (Annexure P-2).

August 09, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No