

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

CRM-M-45549 of 2018.

Decided on:- January 17, 2019.

Jagdish Kumar.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab
for respondent No.1-State.

Mr. Mohit Sadana, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of the FIR No.96 dated 02.08.2017 under Sections 498-A and 406 IPC registered at Police Station City District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.10.2018 (Annexure P-2).

This Court vide order dated 15.11.2018 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 petitioner as well as respondent No.2-complainant have appeared before learned Chief Judicial Magistrate, Hoshiarpur and got their statements recorded on 17.12.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 07.01.2019 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 Prinita Aery. Her statement in support of the compromise made before learned Magistrate on 17.12.2018 reads as under:

“Stated that I was married with Krishna Shori on 22.02.2016. I got registered a case FIR No.96 dated 2.8.2017 u/s 498-A, 406 IPC against Krishna Shori and Jagdish Kumar. A compromise has been effected between me and accused and I along with Krishna Shori has filed a divorce petition in the Hon’ble Court of Sh. K.S. Cheema, Ld. ADJ. A compromise was effected without any threat and coercion and with my free will. I do not want to pursue with this case against the accused Jagdish Kumar. I have no objection if the FIR filed against accused Jagdish Kumar be quashed pending before the Hon’ble High Court, Chandigarh.

Court Ques: Against how many persons you have got registered present FIR?

Ans: I filed complaint against four persons namely my husband Krishna Shori, maternal uncle-in-law Jagdish Kumar, mother-in-law Usha Rani and brother-in-law Sunil out of which FIR was got recorded against Krishna Shori and Jagdish Kumar only.

Court Ques: Is there any other aggrieved person?

Ans: I am the only aggrieved person.”

Learned counsel for the petitioner states that the petitioner is maternal uncle of main accused Krishna Shori, who is husband of respondent No.2-complainant.

Learned State counsel and learned counsel for respondent No.2 have not disputed the factum of compromise effected between the parties.

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 the FIR No.96 dated 02.08.2017 under Sections 498-A and 406 IPC registered at Police Station City District Hoshiarpur (Annexure P-1) and all consequential

proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 08.10.2018 (Annexure P-2).

January 17, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No