

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

CRM-M-46652 of 2018.

Decided on:- October 22, 2019.

Gurdial Singh Deol and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Ankur Bansal, Advocate
for the petitioners.

Mr. Sukhbeer Singh, A.A.G., Punjab.

Mr. Ajay Pal Singh, Advocate for
Mr. Kanwal Goyal, 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 FIR No.15 dated 14.05.2010 under Sections 406 and 498-A read with Section 34 IPC registered at Police Station Fattu DHINGA, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom including the proclamation proceedings issued against petitioners No.2 and 3 and non-bailable warrants of arrest issued against them vide order dated 17.08.2010 (Annexure P-2) passed by learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi on the basis of compromise deed dated 15.09.2018 (Annexure P-6).

This Court vide order dated 22.01.2019 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 No.1 and respondent No.2-complainant have appeared before learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi and got their statements recorded on 11.02.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 13.02.2019 to the effect that both the parties to the petition have effected compromise which is genuine, voluntary, without any threat, pressure, coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Kanwalpreet Kaur. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 11.02.2019 reads as under:

“Stated that, I have compromised the matter with petitioners/accused namely Gurdial Singh Deol son of Jagat Singh, Bhupinder Kaur Deol wife of Gurdial Singh through attorney Gurdial Singh Deol and Sukhwinder Singh Deol son of Gurdial Singh Deol though attorney Gurdial Singh Deol, voluntarily without any pressure, threat or coercion with the intervention of respectables of the locality and our relatives, to keep harmony amongst the parties. I have no objection, if the present FIR against accused be quashed. I will be bound by my statement suffered today in the Court.”

Learned counsel for the petitioners states that the proceedings declaring the petitioner No.1 Gurdial Singh Deol have been set aside by this Court by way of **CRM-M-43386-2016** titled as **“Gurdial Singh and others**

Versus State of Punjab and others” vide order dated 28.03.2017. However, petitioners No.2 and 3, who are mother-in-law and the husband of the complainant respectively, have given power of attorney to petitioner No.1 Gurdial Singh Deol as petitioner No.3 Sukhwinder Singh Deol is confined to bed on account of lower back injury. As a result of which, he is unable to walk, sit or stand and is not fit to travel. He has referred to the medical opinion (Annexure P-30) dated 05.10.2017. He states that since petitioner No.3 is confined to bed and is not able to sit, stand and travel, petitioner No.2 who is mother of petitioner No.3 Singh, is required to attend him as there is no other family member to look after him in her absence.

Learned State counsel and learned counsel for respondent No.2-complainant 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 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 the FIR No.15 dated 14.05.2010 under Sections 406 and 498-A read with Section 34 IPC registered at Police Station Fattu DHINGA, District Kapurthala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 15.09.2018 (Annexure P-6), however, subject to payment of total costs of Rs.50,000/- 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.

October 22, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No