

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

CRM-M-46843 of 2017.

Decided on:- January 17, 2019.

Sukhwinder Kaur and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Prateek Pandit, Advocate
for the petitioners.

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

Mr. Vikas Garg, 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.26 dated 03.04.2017 under Sections 406, 498-A and 323 IPC registered at Police Station Dhilwan, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 27.09.2017 (Annexure P-2).

This Court vide order dated 10.08.2018 had directed the parties to appear before the 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 Judicial Magistrate 1st Class, Kapurthala and got their statements recorded on 27.09.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 28.09.2018 to the effect that the parties have entered into compromise voluntarily and solved their differences without any undue influence, coercion and threat.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Rajbir Kaur. Her statement in support of the compromise made before learned Magistrate on 27.09.2018 reads as under:

“Stated that I am the complainant of the present case. Present FIR No.26 dated 03.04.2017 under Sections 498-A/406/323 IPC registered at PS Dhilwan, Kapurthala against the accused Harpreet Singh s/o late Malkiat Singh and Sukhwinder Kaur wd/o Malkiat Singh, both r/o village Dhaliwal Bet, Kapurthala. I have compromised with the accused with our own free will, without any pressure, coercion or any undue influence. I do not want to proceed further with the present case against both the accused. I made a statement without any pressure, coercion or any inducement.”

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.26 dated 03.04.2017 under Sections 406, 498-A and 323 IPC registered at Police Station Dhilwan, District Kapurthala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise by way of affidavit dated 27.09.2017 (Annexure P-2).

January 17, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No