

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

CRM-M-46845 of 2017.

Decided on:- February 28, 2019.

Gurdev Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Nitin Sharma, Advocate for
Mr. Ramesh Sharma, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, Dy. Advocate General, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.14 dated 21.08.2016 under Sections 498-A and 406 IPC registered at Police Station Women, District Ludhiana Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 28.01.2017 (Annexure P-2).

This Court vide order dated 08.12.2017 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, however, parties could not appear. Again vide order dated 21.12.2017, another opportunity was granted to the parties to get their statements recorded in terms of order dated 08.12.2017 passed by this Court.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Jagraon and got their statements recorded on 05.01.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 10.01.2018 to the effect that the compromise between the parties is voluntary and genuine.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Harpreet Kaur. Though nobody has appeared on her behalf in Court today, but it would not prejudice her interest in any manner, as she has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded before learned Magistrate on 05.01.2018 reads as under:

“Stated that the present FIR No.14 dated 21.08.2016 was registered on my statement against all the accused, under Sections 406, 498A of Indian Penal Code, Police Station Women Cell Jagraon. I have compromised the matter with all the accused namely Sukhdeep Singh son of Gurdev Singh, resident of village Gorsian Kadar Baksh, Tehsil Jagraon, District Ludhiana, Gurdev Singh son of Succha Singh resident of village Gorsian Kadar Baksh, Tehsil Jagraon, District Ludhiana and Balwinder Kaur w/o Gurdev Singh, resident of village Gorsian Kadar Baksh, Tehsil Jagraon, District Ludhiana with the intervention of respectable of the locality without any fear or pressure. I have no objection, if the present FIR and subsequent orders may kindly be quashed.”

Learned counsel for the petitioners states that in terms of the compromise so arrived between the parties, the petition under Section 13-B(1)

of the Hindu Marriage Act, 1955 jointly filed by respondent No.2 Harpreet Kaur and petitioner No.3 Sukhdeep Singh has been allowed by learned Additional Civil Judge (Senior Division), Jagraon vide judgment and decree dated 24.08.2017 (Annexure P-3).

Learned State counsel has 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.14 dated 21.08.2016 under Sections 498-A and 406 IPC registered at Police Station Women, District Ludhiana Rural (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners

on the basis of compromise by way of affidavit dated 28.01.2017 (Annexure P-2), however, subject to payment of costs of Rs.10,000/- 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.

February 28, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No