

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

CRM-M-50229 of 2018.

Decided on:- February 28, 2019.

Karamjit Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Vikas Bali, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

Mr. Angad Chahal, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.3 dated 12.01.2018 under Sections 498-A, 406 and 506 IPC registered at Police Station Cheema, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of settlement/agreement dated 10.07.2018 (Annexure P-2) entered between the parties at the Mediation and Conciliation Centre of this Court.

This Court vide order dated November 15, 2018 had directed the parties to appear before the Illaqa 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 petitioners as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Sunam and got their statements recorded on 18.02.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 20.02.2019 to the effect that the compromise has been effected without any pressure, coercion and undue influence and same is genuine one.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Raj Kaur. She has made a statement before learned Magistrate in support of the compromise. Her statement so recorded before learned Magistrate on 18.02.2019 reads as under:

“I have compromised with accused/applicant 1) Karamjit Singh s/o Sher Singh 2) Shinder Kaur w/o Sher Singh 3) Sher Singh s/o Kushhal Singh 4) Iqbal Kaur w/o Roshan Singh s/o Sher Singh 5) Roshan Singh s/o Sher Singh, all r/o Rai Singh wala, Tehsil Bhawanigarh Distt. Sangrur with my free consent. The compromise is voluntarily with free consent and without any coercion or undue influence or fear. I have no objection if the Hon’ble High Court has quashed the proceedings of above said FIR against the above said accused.”

Learned counsel for the petitioners states that in terms of the compromise so arrived between the parties, divorce under Section 13-B of the Hindu Marriage Act, 1955 has been granted to petitioner No.1 and respondent No.2. He further states that in view of the compromise, the remaining amount of Rs.2,37,500/- is being handed over to the counsel for respondent No.2 by

way of a bank draft in the presence of respondent No.2, who is present in Court.

This fact has not been disputed by learned counsel for respondent No.2-complainant.

Learned State counsel has also 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.3 dated 12.01.2018 under Sections 498-A, 406 and 506 IPC registered at Police Station Cheema, District Sangrur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of

compromise by way of settlement/agreement dated 10.07.2018 (Annexure P-2) entered between the parties at the Mediation and Conciliation Centre of this Court, 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