

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

CRM-M-50428 of 2018.

Decided on:- January 17, 2019.

Kulwinder Singh and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. M.K. Dhot, Advocate
for the petitioners.

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

None 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.75 dated 30.06.2016 under Sections 498-A and 34 IPC registered at Police Station Amargarh, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.10.2018 (Annexure P-2).

Learned counsel for the petitioners states that the petitioners are husband and mother-in-law of respondent No.2-complainant and during the course of investigation, the offence under Section 406 IPC was added by the police in the case.

Learned State counsel, on instructions from HC Deepak Kumar, admits the aforesaid fact and states that the Challan was presented against the petitioners under Sections 498-A and 406 read with Section 34 IPC.

This Court vide order dated 16.11.2018 had directed the parties to appear before the trial Court/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 petitioner as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Malerkotla and got their statements recorded on 13.12.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 13.12.2018 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 Bhupinder Kaur. Though none has put in appearance on her behalf, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of compromise. Her statement so made before learned Magistrate on 13.12.2018 reads as under:

“The FIR No.75 dated 30.06.2016 under Sections 498-A, 406, 34 IPC PS Amargarh was registered on the basis of my statement against Kulwinder Singh and other accused Hardev Kaur. The matter in dispute qua FIR referred above has been compromised between the parties with the intervention of

respectable, relatives. The compromise is genuine, voluntary and without any coercion and undue influence. I have brought my original Adhar Card in the Court and photocopy of the same is Mark A. In view of compromise, the quashing petition filed before Hon'ble High Court may please be accepted."

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.75 dated 30.06.2016 under Sections 498-A and 34 IPC (Section 406 IPC added later on) registered at Police Station Amargarh, District Sangrur

(Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 06.10.2018 (Annexure P-2), however, subject to payment of costs of Rs.5,000/- to be deposited by the petitioners with the Bar Association of this Court within a period of 15 days from today.

January 17, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No