

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

CRM-M-23591 of 2019.

Decided on:- September 16, 2019.

Ravinder Singh Chahal and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. J.S. Lalli, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Achin Gupta, Advocate for
Mr. Sutikshan Sharma, 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.68 dated 20.08.2014 under Sections 406, 498-A, 377 and 120-B IPC registered at Police Station Women Cell, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.05.2019 (Annexure P-2).

This Court vide order dated 22.05.2019 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 petitioners as well as respondent No.2-complainant have appeared before learned Judicial

Magistrate 1st Class, Jalandhar and got their statements recorded on 22.07.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 10.09.2019 to the effect that the compromise effected between the parties is genuine one, which is not the result of any pressure or coercion and the settlement effected between the parties is not having any adverse affect upon the rights of any third party.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Hinajeet Kaur. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 22.07.2019 reads as under:

“Stated that the matter has been compromised with the accused person namely Ravinder Singh Chahal son of Prem Singh, Prem Singh son of Bhag Singh and Baldev Kaur wife of Prem Singh, all residents of H. No.652 Ward No.4, Adarsh Nagar, Malerkotla, Sangrur with the intervention of respectable of the society and the same has been effected voluntarily for myself. The accused have filed quashing petition CRM-M No.23591 of 2019 before the Hon’ble Punjab & Haryana High Court at Chandigarh for quashing present case FIR and the present proceedings. The said compromise is genuine and arrived at with free consent and without any pressure, coercion, undue influence and inducement from any quarter. I have no grudge or ill will against all the accused. Present FIR may kindly be quashed against all the accused in view of the said compromise. The sum of Rs.2,24,000/- is still due towards the accused and undertook to clear the balance amount on the date of statement of second motion in a joint divorce petition under Section 13-B of Hindu Marriage Act. There are only three accused arrayed in the present FIR. There is no any other

accused nor any of the accused is proclaimed person. I have also brought photocopy of my Aadhar Card as my identity proof i.e. Ex.C4.”

Learned counsel for the petitioners states that the matter has been compromised between the parties and as per the agreed terms of compromise, petitioner No.1 and respondent No.2 have filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 for grant of divorce by way of mutual consent.

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.68 dated 20.08.2014 under Sections 406, 498-A, 377 and 120-B IPC registered at Police Station Women Cell, Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 08.05.2019 (Annexure P-2), subject to payment of Rs.10,000/- as costs to be deposited by the petitioners with All India Pingalwara Charitable Society, Sangrur within a period of one month from today.

September 16, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No