

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

CRM-M-23580 of 2019.

Decided on:- September 16, 2019.

Ramesh Kumar.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Arun Takhi, Advocate for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

Mr. A.P. Kaushal, 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.52 dated 10.05.2014 under Sections 498-A and 406 IPC registered at Police Station Bullowal, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.02.2019 (Annexure P-3).

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 petitioner as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Hoshiarpur and got their statements recorded on 30.05.2019. On the basis of the statements so recorded by the parties, learned

Magistrate has submitted the report dated 11.06.2019 to the effect that the compromise effected between the parties appears to be bonafide, voluntary, genuine, lawful and without any kind of pressure, undue influence, coercion and fear from any side.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Harninder Kaur. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 30.05.2019 reads as under:

"I was married with accused Ramesh Kumar dated 18.04.2010 and no child was born out of this wed lock. Soon after the marriage some differences arose between us and on my statement the FIR No.52 dated 10.05.2014, U/S 406, 498-A IPC was registered at PS Bullowal against Ramesh Kumar and his mother Swaran Kaur. However, Swaran Kaur face the trial and acquitted by the court of Ms. Supret Kaur, Ld. JMIC Hoshiarpur vide judgment dated 31.10.2018. I have filed a petition under DV Act against accused Ramesh Kumar and his mother and the same has been withdrawn by me. Petition U/S 13-B of Hindu Marriage Act has been filed and first motion statement is to be recorded today in the court of Sh. R.K. Jain, Ld. Principal Judge Family Court Hoshiarpur on 30.05.2019.

We have resolved all disputes permanently for all the times. I have seen the copy of compromise Ex.C1. The compromise has been effected between both the parties as per their free will and consent and without any undue influence and without any pressure. I have no objection if the above noted FIR is quashed against all the accused."

Learned State counsel and learned counsel for respondent No.2 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 petitioner 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.52 dated 10.05.2014 under Sections 498-A and 406 IPC registered at Police Station Bullowal, District Hoshiarpur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 06.02.2019 (Annexure P-3).

September 16, 2019

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No