

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

CRM-M-53435 of 2018.

Decided on:- May 29, 2019.

Nimarpreet Singh and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- None for the petitioners.

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

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 FIR No.124 dated 12.07.2018 under Section 498-A IPC registered at Police Station Chamkaur Sahib, District Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 19.11.2018 (Annexure P-2).

This Court vide order dated 04.12.2018 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. However, the parties could not appear there and vide order dated 07.02.2019, they were again directed to appear before learned Magistrate on 25.03.2019 or any date

convenient to the Court for getting their statements recorded with regard to compromise.

Pursuant to the aforesaid order dated 07.02.2019, the petitioners as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Rupnagar and got their statements recorded on 25.03.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 27.03.2019 to the effect that the compromise is genuine and is without any pressure or coercion and volunteer.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Kamaldeep Kaur. Though no one has put in appearance on her behalf today, but no prejudice would be caused to her as she has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 25.03.2019 reads as under:

“Stated that above FIR was registered on my application against accused Nimarpreet Singh and Amarjeet Kaur. There was no other accused in present case and I am only complainant and aggrieved. In present case, compromise has been effected with my free consent and without any pressure with above accused. I have no objection if above FIR against above accused is quashed by Hon’ble High Court.”

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.124 dated 12.07.2018 under Section 498-A IPC registered at Police Station Chamkaur Sahib, District Rupnagar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 19.11.2018 (Annexure P-2).

May 29, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No