

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

CRM-M-27752 of 2019.

Decided on:- October 03, 2019.

Raghbir Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioners.

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

Mr. Ramandeep Singh Khinda, Advocate for
Mr. Varinder Pal Singh Mithewal, 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.127 dated 02.07.2018 under Sections 328 and 498-A IPC registered at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.06.2019 (Annexure P-2).

This Court vide order dated 03.07.2019 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 Sub Divisional Judicial Magistrate, Malout and got their statements recorded on 07.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 20.08.2019 to the effect that the statements made by complainant Manjot Kaur and accused are voluntarily, without any threat or any undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Manjot Kaur. She has made a statement before learned Magistrate on 07.08.2019 in support of the compromise. Her statement so recorded by learned Magistrate reads as under:

“It is stated that the present FIR has been registered on the basis of my statement against the accused persons namely Raghbir Singh, Gurjeet Singh and Mohinder Kaur. I have arrived at a compromise in this matter with the accused persons with the intervention of the respectable of the village. The matter has been amicably sorted out between me and the accused persons. I have no grudge with the accused persons. The compromise has been arrived at voluntarily without any pressure, undue influence coercion, with the other party and with my own sweet will. I do not want to proceed with the present case and I have no objection if the present case FIR and other proceedings are quashed against the accused person.”

Learned counsel for the petitioners states that though the aforesaid FIR was registered under Section 328 IPC, but there is no medical evidence in the case in this regard.

Learned State counsel and learned counsel for respondent No.2-complainant 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 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.127 dated 02.07.2018 under Sections 328 and 498-A IPC registered at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 04.06.2019 (Annexure P-2) 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.

October 03, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No