

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

CRM-M-28447 of 2019.

Decided on:- October 22, 2019.

Jaswinder Kaur and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Kulbhushan Raheja, Advocate
for the petitioners.

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

Mr. Harsh Raheja, 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.24 dated 12.04.2019 under Sections 323, 324, 506 and 498-A read with Section 34 IPC (Section 326 IPC added later on) registered at Police Station Bariwala, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 31.05.2019 (Annexure P-2).

This Court vide order dated July 08, 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 and respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class,

Sri Muktsar Sahib and got their statements recorded on 22.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 06.09.2019 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 Baljinder Kaur. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 22.08.2019 reads as under:

“Stated that an FIR No.24 dated 12.04.2019 under Sections 323/324/506/34/498-A/326 IPC Police Station Bariwala District Sri Muktsar Sahib was got registered by me against Hardaljeet Singh Kanwar son of Lakhwinder Singh, Jaswinder Kaur wife of Lakhwinder Singh, Manpreet Kaur alias Harpreet Kaur wife of Harpreet Singh and Lakhwinder Singh son of Sulakhan Singh. Now with the intervention of Panchayat and respectable persons, a compromise has been arrived at, wherein we have amicably settled our dispute, in order to maintain peace and harmony between us and for our welfare in future. The present compromise has been effected with the intervention of respectable persons to live peacefully in future and to avoid further litigation in future, with our free will and the same is voluntarily and the same is not a result of any pressure or coercion etc. in any manner. Our compromise is genuine and valid. We i.e. complainant as well as other all accused are parties to the present compromise. No other case is pending between the parties except one divorce petition under Section 13-B of Hindu Marriage Act, jointly filed by myself and Hardaljeet Singh in the court of Ld. District Judge, Sri Muktsar Sahib and the next date for the same is fixed for 20.01.2020 for recording the final statements of the parties. I have no objection,

if the FIR No.24 dated 12.04.2019 under Sections 323/324/506/34/498-A/326 IPC Police Station Bariwala District Sri Muktsar Sahib is quashed against the accused Hardaljit Singh son of Lakhwinder Singh, Jaswinder Kaur wife of Lakhwinder Singh, Harpreet Kaur alias Manpreet Kaur wife of Harpreet Singh and Lakhwinder Singh son of Sulakhan Singh (as mentioned in the FIR). I have placed on record the copy of my Adhar Card. I have affected the compromise with the accused party with my own free will without any kind of fear, threat, pressure or coercion etc.”

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, petitioner No.3 Hardaljeet Singh Kanwar and respondent No.2 Baljinder Kaur have already filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by way of mutual consent, wherein their statements on first motion have already been recorded.

Learned counsel for respondent No.2-complainant does not dispute the aforesaid fact.

Learned State counsel also does not dispute the factum of compromise 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.24 dated 12.04.2019 under Sections 323, 324, 506 and 498-A read with Section 34 IPC (Section 326 IPC added later on) registered at Police Station Bariwala, District Sri Muktsar Sahib (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise by way of affidavit dated 31.05.2019 (Annexure P-2), however, subject to payment of total costs of Rs.10,000/- to the Government Medical College and Hospital, Sector-32, Chandigarh, which shall be paid by the petitioners within a period of one month from today. This amount shall be utilized for the welfare of poor and needy patients under the supervision of concerned Medical Superintendent.

October 22, 2019

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No