

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

CRM-M-28635 of 2019.

Decided on:- October 22, 2019.

Kulwant Rai.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Pritpal Singh Miglani, Advocate
for the petitioner.

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

Mr. J.J.S. Uppal, 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.95 dated 26.06.2016 under Section 498-A IPC registered at Police Station City Nawanshahar, District SBS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom including the order dated 21.02.2017 (Annexure P-5) passed by learned Additional Chief Judicial Magistrate, SBS Nagar whereby the petitioner was declared as proclaimed person on the basis of compromise dated 16.01.2019 (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. It was further ordered that in case the petitioner appears before the illaqa Magistrate/trial Court on or before 08.08.2019, so as to make statement in support of compromise, he

shall be admitted on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of the illaqa Magistrate/trial Court, subject to payment of costs of Rs.15,000/- to be deposited by the petitioner with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh.

Thereafter, vide order dated August 17, 2019, on an application moved by the petitioner, the parties were granted one more opportunity to get their statements recorded and were directed to appear before the Illaqa Magistrate/trial Court on 28.08.2019 or any other date convenient to the Court.

Pursuant to the aforesaid order, the petitioner and respondent No.2-complainant had appeared before learned Chief Judicial Magistrate, SBS Nagar and got their statements recorded on 28.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 19.09.2019 to the effect that the compromise effected between the parties is genuine, voluntary, without any coercion or undue influence. Learned Magistrate has also reported that in accordance with the order dated 08.07.2019 passed by this Court, the petitioner had appeared there and was released on interim bail.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Ramandeep Rani. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 28.08.2019 reads as under:

“Stated that in the present case FIR bearing No.95 dated 26.06.2019 under Section 498-A, PS City Nawanshahr was got

lodged by me being complainant. I had moved complaint to SSP against my husband Kulwant Rai, mother-in-law Nachattar Kaur, sister-in-law Neelam, brother-in-law Bittu and Gurmej Ram, however, the FIR was registered by the police only against my husband Kulwant Rai. Now with the intervention of relatives and respectbales, the compromise has been effected by me with my husband Kulwant Rai, mother-in-law Nachattar Kaur, sister-in-law Neelam, brother-in-law Bittu and Gurmej Ram. The compromise has been effected without any pressure, influence, coercion or undue influence. I have obtained decree of divorce. Now, I have no objection if present FIR is quashed by the Hon'ble High Court."

Learned State counsel and learned counsel for respondent No.2-complainant have not disputed 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 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.95 dated 26.06.2016 under Section 498-A IPC registered at Police Station City Nawanshahar, District SBS Nagar (Annexure P-1) and all consequential proceedings arising therefrom including the order dated 21.02.2017 (Annexure P-5) passed by learned Additional Chief Judicial Magistrate, SBS Nagar whereby the petitioner was declared as proclaimed person are quashed qua the petitioner on the basis of compromise dated 16.01.2019 (Annexure P-2).

October 22, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No