

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

CRM-M-28916 of 2019.

Decided on:- October 22, 2019.

Mohammad Akram and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Parvinder Singh Ahluwalia, Advocate
for the petitioners.

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

Mr. Prabhjot Singh Nagra, 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.58 dated 16.06.2017 under Sections 406, 498-A and 506 IPC registered at Police Station Women, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.07.2019 (Annexure P-2).

This Court vide order dated July 10, 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 had appeared before learned Judicial Magistrate 1st Class, Patiala and got their statements recorded on 09.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report

dated 26.08.2019 to the effect that the compromise between the parties 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 Shehnaz. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 09.08.2019 reads as under:

“Stated that I am the complainant of present case FIR No.58 dated 16.6.2017, U/ss 406/498-A/506 IPC registered at P.S Women, Patiala, which has been get registered by me against the accused Mohammad Akram and Gafoor Mohammad @ Gafur Mohamed only and only these two accused have been arrayed in present FIR. Now due to intervention of respectable of locality and common friends, I have compromised with the accused voluntarily, without any coercion or undue influence. I have no objection if present FIR and proceedings arising out of present FIR against the accused are quashed by the Hon’ble Punjab and Haryana High Court. I am giving this statement voluntarily, without any coercion or undue influence. The compromise between us is genuine.”

Learned counsel for the petitioners states that as per the compromise, the petitioner No.1 and respondent No.2 are living separately and their marriage has been dissolved by mutual agreement dated 22.05.2018.

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

Learned State counsel has also 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 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.58 dated 16.06.2017 under Sections 406, 498-A and 506 IPC registered at Police Station Women, District Patiala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 04.07.2019 (Annexure P-2).

October 22, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No