

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

CRM-M-29650 of 2019.

Decided on:- October 22, 2019.

Balbir Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Sandeep Arora, Advocate
for the petitioners.

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

Mr. G.S. Rawat, 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.45 dated 23.06.2015 under Sections 498-A and 406 IPC registered at Police Station Women Cell, Jalandhar City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.07.2019 (Annexure P-2).

This Court vide order dated July 15, 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,

Jalandhar and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 15.10.2019 to the effect that the compromise has been effected as per the free will of the parties and without any kind of pressure, threat or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Manjit Kaur. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 19.08.2019 reads as under:

“Stated that I am resident of above said address and an FIR No.45 dated 23.06.2015 under Section 406-498-A IPC PS Women Cell, Jalandhar was registered against Sukhdev Singh and later on the accused Balbir Singh, Surjit Kaur and Gurdial Singh were summoned by the Ld. Trial court vide application U/s 319 Cr.P.C. However the accused Sukhdev Singh is in judicial custody, accused Balbir Singh and Surjit Kaur present in the court but accused Gurdial Singh has already been declared PO. The abovesaid FIR was recorded on my statement. The trial of the said case is still pending. Now, the matter has been compromised with the above said persons in the presence of respectable of the locality on the basis of the said compromise Ex.PA (original brought today in the court seen and returned), upon which I have identified my signatures as well as my thumb impression. The compromise has been executed with my free will and without any coercion and pressure. As per compromise the amount of Rs.7 lac has been settled as compromised amount out of which I have already received Rs.3 lacs in cash from the accused party and today I have received further balanced amount of Rs.4 lacs in the shape of demand draft of Rs.3 lacs

along-with cash of Rs. One lac. Copy of demand draft is Ex.PB. I have no objection, if the above said FIR/case be quashed. The above said compromise is genuine, voluntarily and without coercion or undue influence. One of the accused namely Gurdial Singh S/o Balbir Singh has been declared as proclaimed offender in this case. I give my statement without any undue influence and the same is with my free consent. I identify my signatures on the compromise Ex.PA today I have brought my original Adhar Card and copy of the same is Ex.PC. I will also withdraw all the complaints pending before the courts or decided by the courts i.e. petition U/s 125 or any execution arising out of this matrimonial dispute and will not claim any maintenance or any other claim arising out of this marriage.”

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.45 dated 23.06.2015 under Sections 498-A and 406 IPC registered at Police Station Women Cell, Jalandhar City (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 05.07.2019 (Annexure P-2), however, subject to payment of 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