

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

CRM-M-32320 of 2019.

Decided on:- November 15, 2019.

Veer Singh @ Vir Singh and others.

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Gagandeep Singh Simble, Advocate
for the petitioners.

Mr. Saurav Khurana, D.A.G., Punjab.

None 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.29 dated 06.02.2019 under Sections 498-A and 406 IPC registered at Police Station Women, Police District Police Commissionerate, Ludhiana, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.07.2018 (Annexure P-2).

This Court vide order dated July 30, 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 parties had appeared before learned Judicial Magistrate 1st Class, Ludhiana and got their statements recorded on 28.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 04.10.2019 to the effect that the parties have compromised the matter out of their own free will, voluntarily, without any sort of pressure, coercion and fear.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Manpreet Kaur. Though no one has appear on her behalf in Court, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of the compromise on 28.08.2019, which reads as under:

“I have compromised with accused party in the above mentioned case in the presence of respectable persons of both the parties. The compromise is voluntarily, without any inducement, threat, pressure or coercion. Now there is no grudge against the accused party. I do not want to take any action against the accused in the present case. I have got no objection, if the present FIR against the accused Veer Singh @ Vir Singh son of Baldev Singh, Baldev Singh son of Mohinder Singh and Baljit Kaur wife of Baldev Singh all residents of House No.32/957, Basti Mithu Jalandhar, is quashed by the Hon’ble High Court of Punjab and Haryana at Chandigarh. The present compromise has taken place with the free consent and without any pressure. This FIR was registered against only three accused present in the court.”

Learned State counsel does not dispute 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.29 dated 06.02.2019 under Sections 498-A and 406 IPC registered at Police Station Women, Police District Police Commissionerate, Ludhiana, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 23.07.2018 (Annexure P-2), however, subject to payment of total costs of Rs.5,000/- to the Government Multi Speciality Hospital, Sector-16, 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.

November 15, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No