

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

CRM-M-32851 of 2019.

Decided on:- November 26, 2019.

Harpal Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Ms. Amandeep Kaur, Advocate
for the petitioners.

Mr. Sukhbeer Singh, A.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.252 dated 20.09.2018 under Sections 498-A and 120-B IPC registered at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 15.07.2019 (Annexure P-2).

This Court vide order dated August 07, 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 Chief Judicial Magistrate, Tarn Taran and got their statements recorded on 09.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 09.09.2019 to the

effect that from the statements of the parties, the compromise appears to be 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. Though no one has put in appearance on behalf of respondent No.2, 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 09.09.2019, which reads as under:

“Stated that the matter in dispute has been settled between me and the accused persons amicably, with the intervention of the parties and without any coercion or undue influence. I have no objection, if the First Information Report in question is quashed by the Honourable High Court. It is further submitted that the compromise has been effected between us without any coercion, influence or threat and with my own sweet will. The police has not submitted final report and no accused has been declared proclaimed person by this Court. There are total three accused persons, who are the petitioners.”

Learned State counsel has 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.252 dated 20.09.2018 under Sections 498-A and 120-B IPC registered at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 15.07.2019 (Annexure P-2).

November 26, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No