

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

CRM-M-32466 of 2019.

Decided on:- December 04, 2019.

Satnam Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Satyaveer Singh, Advocate
for the petitioner.

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

Mr. Kartik Doot, 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.49 dated 24.05.2018 under Sections 498-A and 406 IPC registered at Police Station Kamboj, District Amritsar Rural, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 03.05.2019 (Annexure P-2).

This Court vide order dated 22.08.2019 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.

Pursuant to the aforesaid order, the petitioner and respondent No.2-complainant have appeared before learned Chief Judicial Magistrate, Amritsar and got their statements recorded in support of the compromise on 30.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 10.10.2019 to the effect that the compromise is genuine and voluntary and is without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Manjot Kaur. She has already made a statement in support of compromise before learned Magistrate on 30.09.2019, the relevant part of which reads as under:

“State that I have got registered FIR no.49 of 24.05.2018 under sections 498A, 406 of Indian Penal Code, police station Kamboj, Amritsar against accused Satnam Singh. Now, with the intervention of respectable persons, I have arrived at a compromise with the said accused voluntarily and without any kind of threat fear or pressure. I have no objection, if FIR no.49 of 24.05.2018 under Sections 498A, 406 of Indian Penal Code, police station Kamboj, Amritsar is quashed against the said accused. I am making my statement today in the court without any kind of pressure, coercion and fear.”

Learned State counsel and learned counsel for respondent No.2 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.49 dated 24.05.2018 under Sections 498-A and 406 IPC registered at Police Station Kamboj, District Amritsar Rural, Amritsar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 03.05.2019 (Annexure P-2), however, subject to payment of costs of Rs.10,000/- to the Bar Association of this Court, which shall be paid by the petitioner within a period of one month from today.

December 04, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No