

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

CRM-M-32863 of 2019.

Decided on:- November 26, 2019.

Rajiv Bagga.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

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

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.69 dated 06.04.2019 under Sections 406 and 498-A IPC registered at Police Station City Phagwara, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement agreement dated 12.07.2019 (Annexure P-2) arrived between them before the Mediation and Conciliation Centre of this Court.

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 Sub Divisional Judicial Magistrate, Phagwara 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 16.09.2019 to the effect that the compromise between the parties has been effected voluntarily without any pressure, threat or coercion.

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 I have compromised the matter with the accused Rajiv Bagga in this case with the intervention of the respectable of the locality. The parties have also applied dissolution of marriage by a decree of divorce by mutual consent u/s 13-B of Hindu Marriage Act. Now I have no grudge and enmity against said accused. I have voluntarily compromised the matter without any pressure or coercion. Our compromise may kindly be accepted. I have no objection if the above noted FIR is quashed. Photocopy of agreement/compromise is Ex.PB. Copy of my passport is Ex.PA.”

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.69 dated 06.04.2019 under Sections 406 and 498-A IPC registered at Police Station City Phagwara, District Kapurthala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of settlement agreement dated 12.07.2019 (Annexure P-2) arrived between them before the Mediation and Conciliation Centre of this Court.

November 26, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No