

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

CRM-M-33702 of 2019 (O&M)
Decided on:- December 03, 2019.

Namdev Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Hitesh Verma, Advocate
for the petitioners.

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

Ms. Simranjeet Kaur, 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.82 dated 13.09.2018 under Sections 498-A, 494, 406 and 120-B IPC registered at Police Station Mehal Kalan, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement agreement dated 08.05.2019 (Annexure P-2).

This Court vide order dated 21.08.2019 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 petitioners as well as respondent No.2-complainant have appeared before learned Additional Chief Judicial Magistrate, Barnala and got their statements recorded in support of the compromise on 15.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 24.10.2019 to the effect that the compromise effected between the complainant and accused is genuine, without any pressure and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Veerpal Kaur. She has already made a statement in support of compromise before learned Magistrate on 15.10.2019, which reads as under:

“Stated that I am complainant in this case and the present FIR was registered on my statement and now I have compromised the matter without any pressure and coercion or undue influence with the accused namely Namdev Singh son of Jarnail Singh, Jagsir Singh son of Jarnail Singh, Jarnail Singh son of Ginder Singh and Labh Kaur wife of Jarnail Singh all residents of Chauhanke Khurd. I have no objection if the present FIR No.82 dated 13/9/2018 under Sections 498-A/494/406/120-B of IPC PS Mehal Kalan is quashed and the accused are acquitted. The original compromise deed was produced by the accused persons before Hon’ble Pb. & Haryana High Court, which is correct as per the original.”

Learned State counsel and learned counsel for respondent No.2-complainant 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 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.82 dated 13.09.2018 under Sections 498-A, 494, 406 and 120-B IPC registered at Police Station Mehal Kalan, District Barnala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of settlement agreement dated 08.05.2019.

December 03, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes
No