

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

CRM-M-34024 of 2019.

Decided on:- December 04, 2019.

Baldev Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Deepinder Brar, Advocate
for the petitioners.

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

Mr. Balraj Singh Sidhu, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.28 dated 05.07.2018 under Sections 498-A, 406 and 506 IPC as well as Section 67 of the Information Technology Act, 2000 registered at Police Station Women Bathinda, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 02.07.2019 (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 petitioners and respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Bathinda 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 09.10.2019 to the effect that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.

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

“Stated that FIR No.28 dated 05.07.2018 under Section 498-A/406/506 of IPC, 1860 and Section 67 of I.T. Act, 2000, Police Station Women Cell, Bathinda was registered on my statement against the accused Babaljeet Singh represented through power of attorney Baldev Singh, Baldev Singh and Balwinder Kaur with the intervention of relatives and friends compromise was effected with the accused party and photocopy of the compromise Ex.A2 on which I identify my signature and accused filed a petition No.CRM-M-34024-2019 before the Hon’ble High Court of Punjab and Haryana, Chandigarh for quashing the above said FIR which is pending before the Hon’ble High Court of Punjab and Haryana, Chandigarh, for 04.12.2019. As per compromise between me and accused, it has been settled that accused will pay me Rs.22,00,000/- and I have received part payment of Rs.11,00,000/- through draft no.000702 dated 29.06.2019 before filing of the quashing petition at the time of execution of compromise deed Ex.A2. Today, I have received two cheques bearing no.000021 and 000022 dated

02.12.2019 of amount Rs.5,00,000/- and Rs.6,00,000/- out of remaining compromise amount, photocopies of the same are Ex.A6 and A7. It has been settled that quashing petition may be allowed subject to the clearance of the abovesaid both cheques. I have no objection if the above said FIR is quashed against the accused. I got recorded by my statement without any pressure and with my free will.”

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, the petitioner No.3-husband and respondent No.2-wife have already filed a petition under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by way of mutual consent.

This fact has not been disputed by learned counsel for respondent No.2-complainant. Power of attorney filed on behalf of respondent No.2-complainant in Court, is taken on record.

Learned State counsel, on instructions from ASI Tasvir Singh, does not dispute 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.28 dated 05.07.2018 under Sections 498-A, 406 and 506 IPC as well as Section 67 of the Information Technology Act, 2000 registered at Police Station Women Bathinda, District Bathinda (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 02.07.2019 (Annexure P-2), however, subject to payment of costs of Rs.25,000/- to be paid by the petitioners to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

December 04, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No