

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

CRM-M-34631 of 2019.

Decided on:- December 13, 2019.

Mandeep Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Ishan Sharma, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

Mr. Vijay Kumar, 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.42 dated 17.10.2016 under Sections 406 and 498-A IPC registered at Police Station Women Cell, S.A.S. Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 12.07.2019 (Annexure P-2).

This Court vide order dated 26.08.2019 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 Judicial Magistrate 1st Class, Kharar 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 04.10.2019 to the effect that 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 Suman Sharma. She has already made a statement in support of compromise before learned Magistrate on 30.09.2019, which reads as under:

“Stated that one FIR No.42 dated 17.10.2016 under Sections 406 & 498-A of Indian Penal Code, at Police Station Women Cell, S.A.S. Nagar, was registered on my statement against accused Mandeep Singh only.

Now, with the intervention of the respectables, I have voluntarily entered into compromise with above named accused, out of my free will and without any pressure or undue influence, coercion, inducement, threat or promise from any side. On the basis of compromise, accused has filed a quashing petition bearing No.CRM-M-34631 of 2019 titled as Mandeep Singh Versus State of Punjab and another, in which the Hon’ble High Court has directed both the parties to come present before the trial Court for recording their statements with regard to compromise. In compliance of the order of the Hon’ble High Court, I have come present for recording my statement. I have no objection if the above said F.I.R. is quashed by the Hon’ble Punjab and Haryana High Court against accused. No other case

is pending against us. None of the parties has been declared proclaimed offender. There is only one accused in the present F.I.R. The photocopy of my Aadhaar Card is mark-A.”

Learned counsel for respondent No.2-complainant has not disputed the factum of compromise. Power of attorney filed on behalf of respondent No.2 in Court, is taken on record.

Learned State counsel has also 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.42 dated 17.10.2016 under Sections 406 and 498-A IPC registered at

Police Station Women Cell, S.A.S. Nagar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 12.07.2019 (Annexure P-2).

December 13, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No