

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

CRM-M-34937 of 2019.

Decided on:- December 13, 2019.

Dilbagh Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- None for the petitioner.

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

None 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.14 dated 12.04.2018 under Sections 406 and 498-A IPC registered at Police Station Kotli Surat Malhi, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 27.08.2019 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, Batala and got their statements recorded in support of the compromise on 01.10.2019. 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 effected between the parties is genuine, which is not the result of any pressure or coercion. Learned Magistrate has also reported that the FIR in question was registered against two persons, namely, Dilbagh Singh (petitioner herein) and Gurmeet Kaur. However, accused Gurmeet Kaur has died on 06.10.2018.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Manjit Kaur. Though no one has put in appearance on her behalf, but it would not cause any prejudice to her as she has already made a statement in support of compromise before learned Magistrate on 01.10.2019, which reads as under:

“Stated that the present FIR No.14 dated 12.04.2018 under Sections 406, 498-A IPC, Police Station Kotli Surat Malhi, Batala, District Gurdaspur was registered against the accused/petitioner namely Dilbagh Singh on my statement. Now I have compromised the matter with accused with the intervention of the respectables vide compromise deed. Original of said compromise deed is attached with petition filed before Hon’ble High Court. I have no objection if FIR No.14 dated 12.04.2018 under Sections 406, 498-A IPC, Police Station Kotli Surat Malhi, Batala, District Gurdaspur, be quashed qua the above said accused. I have given my statement with my free will and without any coercion and any pressure. Copy of my identity

card (Aadhar card) is Annexure C1. Further, compromise effected between me and accused is not having any adverse effect on the rights of any third party. I have not been declared proclaimed person/offender by any court of law.”

Learned State counsel has 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.14 dated 12.04.2018 under Sections 406 and 498-A IPC registered at Police Station Kotli Surat Malhi, District Gurdaspur (Annexure P-1) and all

consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise (Annexure P-2).

December 13, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No