

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

CRM-M-54697 of 2018.

Decided on:- April 30, 2019.

Brinder @ Barinder Singh and others

.....Petitioners.

Versus

Kamal Kumar and another

.....Respondents.

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

Present:- Mr. Prateek Pandit, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of complaint No.COMI/57/16 dated 20.09.2016 titled as "*Kamal Kumar Versus Barinder Singh and others*" under Sections 406 and 498-A read with Section 34 IPC (Annexure P-1) pending in the Court of Judicial Magistrate 1st Class, Phillaur, District Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise effected between the parties.

This Court vide order dated January 23, 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 as well as respondent No.1-complainant have appeared before learned Judicial Magistrate 1st Class, Phillaur and got their statements recorded on 28.02.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 06.03.2019 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 complaint was filed before learned Illaqa Magistrate by respondent No.1-complainant Kamal Kumar. Though none has put in appearance on his behalf, but it will not cause any prejudice to him as he has made a specific statement before learned Magistrate in support of the compromise. The statement so made by respondent No.1-complainant before learned Magistrate on 28.02.2019 reads as under:

"I have entered into a compromise with all the accused. That total number of accused are seven. The accused No.6 namely Gurpreet Kaur @ Simi wife of Sanju and the accused No.7 namely Sanju are still proclaimed offenders. I have entered into a compromise with all the accused with my free will and consent, without any type of coercion or undue influence, I have also received Rs.2,50,000/- today in the Court as compromise amount i.e. full and final amount. There is nothing due towards any of the accused. I do not have any objection if all the accused are discharged/acquitted including the accused No.6 and 7 who are still proclaimed offenders. We shall not file any type of case against each other. Earlier the accused No.1 Brinder Singh was declared as proclaimed offender but that order has been set aside vide order dated 23.01.2019 in the criminal miscellaneous Crm No.54907 of 2018 by the Court of Hon'ble Justice Haripal

Punjab and Haryana High Court. The photocopy of my adhar card is Ex.P1.”

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 complaint 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 complaint No.COMI/57/16 dated 20.09.2016 titled as “*Kamal Kumar Versus Barinder Singh and others*” under Sections 406 and 498-A read with Section 34 IPC (Annexure P-1) pending in the Court of Judicial Magistrate 1st Class, Phillaur, District Jalandhar and all consequential proceedings arising

therefrom are quashed qua the petitioners on the basis of compromise effected between the parties.

April 30, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No