

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

CRM-M-7247 of 2019.

Decided on:- February 19, 2020.

Manjot Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- None for the petitioners.

Ms. Ruchika Sabharwal, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.92 dated 12.09.2018 under Sections 498-A and 406 IPC registered at Police Station Bhadaur, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 04.12.2018 (Annexure P-2).

This Court vide order dated 15.02.2019 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. Since the parties did not appear before the Illaqa Magistrate/trial Court on 27.03.2019, vide order dated May 29, 2019, one more opportunity was granted to them to appear before the Illaqa Magistrate/trial Court on 17.07.2019 to get their statements recorded in support of compromise. However, the report dated 25.07.2019

had been received from learned Judicial Magistrate 1st Class, Barnala that the statements of the complainant i.e. Sumandeep Kaur (respondent No.2 herein) and statements of accused Jaspreet Kaur (petitioner No.3 herein) and Harjinder Singh (petitioner No.2 herein) have been recorded. It was further reported that the parties have compromised the matter voluntarily and without any coercion or undue influence and the statements recorded by the complainant as well as accused are not the result of any pressure and coercion.

Since the statement of petitioner No.1 Manjot Singh was not recorded by learned Magistrate, vide order dated September 25, 2019 passed by this Court, it was directed that in case petitioner No.1 appears before the trial Court on 20.11.2019 to get his statement recorded in support of compromise or any other date convenient to the trial Court, his statement be recorded and copy of the supplementary statement be submitted to this Court before the next date of hearing i.e. 19.02.2020.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Sumandeep Kaur. She has already made a statement before learned Magistrate in support of compromise on 17.07.2019, which reads as under:

“Stated that the FIR No.92 under-section 498-A, 406 IPC PS Bhadaur dated 12.09.2018 was registered on my statement against the accused persons namely Manjot Singh son of Harjinder Singh, Harjinder Singh son of Harnek Singh, Jaspreet Kaur wife of Harjinder Singh R/O village Machhike Tehsil Nihal Singh Wala. I have compromised the matter with all accused mentioned as above said with the intervention of respectable of the society without any coercion or pressure with my free will

and consent. I have no objection if the present FIR may be quashed.”

Learned State counsel has not disputed the factum of compromise effected between the parties.

In this manner, even if petitioner No.1 has not appeared before learned Magistrate to get his statement recorded in support of compromise, no prejudice would be caused to him, as the respondent No.2-complainant has already made a statement before learned Magistrate that she has no objection in case the FIR in question is quashed on the basis of compromise.

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.92 dated 12.09.2018 under Sections 498-A and 406 IPC registered at Police Station Bhadaur, District Barnala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 04.12.2018 (Annexure P-2).

February 19, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No