

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

CRM-M-45601 of 2018.

Decided on:- January 24, 2020.

Manmohan Singh and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Rajbir Singh, Advocate
for the petitioners.

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

Mr. Kulwinder Singh, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.128 dated 17.06.2014 under Sections 498-A and 406 IPC registered at Police Station Sadar Dhuri, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.08.2018 (Annexure P-3).

This Court vide order dated September 12, 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 parties had appeared before learned Judicial Magistrate 1st Class, Dhuri and got their statements recorded on 31.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 04.11.2019 to the effect that the compromise has been reached between the parties voluntarily and without any pressure or coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Amandeep Kaur. She has already made a statement before learned Magistrate in support of compromise on 31.10.2019, which reads as under:

“Stated that an FIR No.128 dated 17.06.2014 Under Section 498-A, 406 and 201 IPC Police Station Sadar Dhuri was registered on the basis of my statement.

With the intervention of respectables, I have compromised the matter with the accused persons. The said compromise executed between us is with our free will, without any pressure, coercion. I do not want to pursue the present case. I have no objection if the above said FIR and subsequent proceeding may be quashed.”

Learned counsel for the petitioners states that the offence under Section 201 IPC was added later on during the investigation and for this reason, the said offence could not be mentioned in the present petition. However, this offence is duly mentioned in the statement of respondent No.2-complainant made before learned Magistrate in support of compromise. He has sought quashing of the FIR in question under Section 201 IPC as well.

Learned counsel for respondent No.2-complainant has not disputed the factum of compromise between the parties.

Learned State counsel has also 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 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.128 dated 17.06.2014 under Sections 498-A and 406 IPC (Section 201 IPC added later on) registered at Police Station Sadar Dhuri, District Sangrur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 28.08.2018 (Annexure

P-3), however, subject to payment of Rs.5,000/- as costs to be deposited by the petitioners with the Bar Association of this Court within a period of one month from today.

January 24, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No