

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

CRM-M-22998 of 2019.

Decided on:- February 04, 2020.

Happy Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

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

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

Mr. Kuldeep Siwach, Advocate for
Mr. Sandeep Siwach, 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.30 dated 25.03.2019 under Sections 313, 498-A, 323, 148 and 149 IPC registered at Police Station Maur, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.04.2019 (Annexure P-2).

This Court vide order dated 20.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise on 19.07.2019 and the Court was directed to send its report qua genuineness of the compromise. However, the parties could not appear before the trial Court on 19.07.2019 and vide order dated 09.09.2019 passed by this Court, one more opportunity was granted to the parties to appear before the Illaqa Magistrate/trial Court for

recording their respective statements with regard to compromise/settlement on 30.10.2019.

Pursuant to the aforesaid order 09.09.2019 passed by this Court, the parties had appeared before learned Judicial Magistrate 1st Class, Talwandi Sabo and got their statements recorded on 30.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 08.11.2019 to the effect that the compromise effected between the parties is 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 Paramjit Kaur. She has already made a statement before learned Magistrate in support of compromise on 30.10.2019, which reads as under:

“Stated that matter has been compromised with the petitioner/accused namely Happy Singh son of Uggar Singh, Midha Singh son of Uggar Singh, Amro Kaur wife of Uggar Singh, Meet Kaur wife of Midha Singh and Uggar Singh son of Phool Singh all resident of village Maur Khurd, Police Station Maur, District Bathinda, voluntarily and without any threat, coercion or undue influence. No other case is pending between the parties. It is further stated that I am not involved in any other FIR and even I am not proclaimed offender. The present FIR may kindly be quashed on the basis of compromise.”

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, the petitioner No.1 and respondent No.2-complainant are staying together as husband and wife.

Learned counsel for respondent No.2-complainant does not dispute this fact.

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.30 dated 25.03.2019 under Sections 313, 498-A, 323, 148 and 149 IPC registered at Police Station Maur, District Bathinda (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.04.2019 (Annexure P-2), however, subject to payment of total costs of Rs.5,000/- to be paid by the petitioners to

the Poor Patients’ Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

February 04, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No