

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

CRM-M-24410 of 2019.

Decided on:- February 14, 2020.

Malkiat Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- None for the petitioners.

Mr. Hittan Nehra, Addl. 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.57 dated 28.04.2017 under Sections 498-A, 406, 506 and 120-B IPC registered at Police Station Dhariwal, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 09.05.2019 (Annexure P-2).

Petitioner No.1 Malkiat Singh, who is husband of respondent No.2-complainant Davinder Kaur has filed this petition through his father and special power of attorney holder Palwinder Singh-respondent No.2.

This Court vide order dated May 28, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court on 24.07.2019 to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise. However,

on 24.07.2019, the parties could not appear there and vide order dated September 19, 2019, one more opportunity was granted to the parties to appear before the Illaqa Magistrate/trial Court on 06.11.2019 for recording their respective statements with regard to the compromise.

Pursuant to the aforesaid order, the parties had appeared before learned Judicial Magistrate 1st Class, Gurdaspur and got their statements recorded on 06.11.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 20.11.2019 to the effect that the parties have entered into compromise without any pressure, coercion, undue influence and the same has been done with free consent of the parties. The report further suggests that respondent No.4 Harpreet Kaur was seriously ill and she could not come for recording her statement due to the operation of her stomach.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Davinder 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 before learned Magistrate in support of compromise on 06.11.2019, which reads as under:

“On my statement of FIR No.57 dated 28.04.2017, under Sections 498-A, 406, 506, 120-B IPC, P.S. Dhariwal was registered against Malkiat Singh, Palwinder Singh, Lakhwinder Kaur and Harpreet Kaur. The matter between me and accused persons has been compromised with the intervention of the respectables. The compromise has been entered into with my free consent without any pressure or coercion. As per compromise I have received agreed amount Rs.3,65,000/- and remaining amount of Rs.1,85,000/- will be received by me at the time of

recording of first statement in divorce petition in Court. I have no objection if the FIR registered against the accused is quashed.”

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 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.57 dated 28.04.2017 under Sections 498-A, 406, 506 and 120-B IPC registered at Police Station Dhariwal, District Gurdaspur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 09.05.2019 (Annexure P-2), however,

subject to payment of total costs of Rs.25,000/- 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. The concerned Medical Superintendent would ensure that the aforesaid amount is utilized for the welfare of poor patients only.

February 14, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No