

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

CRM-M-25470 of 2019.

Decided on:- January 28, 2020.

Lakhwinder Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. B.S. Baath, Advocate
for the petitioners.

Mr. Hittan Nehra, D.A.G., Punjab.

Mr. Ritesh Kumar Sharma, 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.34 dated 16.04.2015 under Sections 406 and 498-A IPC registered at Police Station Khamano, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 06.05.2019 (Annexure P-2).

This Court vide order dated May 30, 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 Sub-Divisional Judicial Magistrate, Khamanon and got their

statements recorded on 26.07.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 14.08.2019 to the effect that the compromise between the parties is voluntary, without any pressure or undue influence and out of their own free will.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Rajbir Kaur. She has already made a statement before learned Magistrate in support of compromise on 26.07.2019, which reads as under:

“Stated that the matter involved in FIR no.34 dated 16.04.2015 under Section 406,498-A IPC registered at Police Station Khamanon has been amicably compromised between me and the accused persons i.e. Lakhwinder Singh son of Darshan Singh, Jasbir Kaur wife of Darshan Singh and Darshan Singh son of Gurbax Singh, all residents of village Lohari, District Roopnagar. The compromise dated 06.05.2019 is without any fear, influence, coercion and the same is out of our free will and wish and without any pressure. I have no objection if the quashing proceedings filed by the petitioners Lakhwinder Singh son of Darshan Singh, Jasbir Kaur wife of Darshan Singh and Darshan Singh son of Gurbax Singh, all residents of village Lohari, District Roopnagar be allowed and aforesaid FIR and its subsequent proceedings are quashed on the basis of compromise dated 06.05.2019 and same is Ex.CX. As per settlement myself and my husband Lakhwinder Singh will file joint petition under Section 13-B of HMA for dissolution of marriage as my entire claim against my husband has also been settled through compromise dated 06.05.2019. I will remain bound to withdraw application under Section 125 Cr.PC as well as 128 Cr.PC which are pending before this Hon’ble Court.”

Learned State counsel and learned counsel for respondent No.2-complainant have 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.34 dated 16.04.2015 under Sections 406 and 498-A IPC registered at Police Station Khamano, District Fatehgarh Sahib (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise by way of affidavit dated 06.05.2019 (Annexure P-2), however, subject to payment of total costs of Rs.10,000/- 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.

January 28, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No