

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

CRM-M-36449 of 2019.

Decided on:- January 14, 2020.

Manvinder Singh and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

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

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

Mr. Vikasdeep Singh, Advocate
for respondents No.2 to 4.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of DDR No.21 dated 07.06.2015 under Sections 323, 324, 326, 498-A, 406, 120-B, 148 and 149 IPC (Annexure P-1) recorded in FIR No.94 dated 06.06.2015 under Sections 323, 324, 326 and 452 read with Section 34 IPC registered at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 24.07.2019 (Annexure P-3).

This Court vide order dated September 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.

Pursuant to the aforesaid order, the petitioners and respondent No.2-complainant had appeared before learned Sub-Divisional Judicial Magistrate, Sultanpur Lodhi and got their statements recorded on 15.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 18.10.2019 to the effect that both the parties have effected compromise which is genuine, voluntary and are not the result of any threat, pressure or coercion etc. in any manner.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Mandeep Kaur. She has already made a statement before learned Magistrate in support of compromise on 15.10.2019, which reads as under:

“Stated that I have compromised the matter with the petitioners/accused namely Manvinder Singh son of Jasbir Singh, Jasbir Singh son of Natha Singh, Gurmeet Kaur wife of Jasbir Singh, all residents of village Dhudianwal, Tehsil & District Kapurthala, PS Sultanpur Lodhi, Gurmukh Singh son of Karnail Singh, Gurmej Singh son of Karnail Singh, both residents of village Uchha Bet, Tehsil & District Kapurthala, and Paramjit Kaur wife of Jagdeep Singh, resident of village Bussowal, Tehsil Sultanpur Lodhi, District Kapurthala voluntarily without any pressure, threat or coercion with the intervention of respectable of the locality and our relatives, to keep harmony amongst the parties. I have no objection, if present FIR against petitioner/accused be quashed.”

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, petitioner No.1

Manvinder Singh and respondent No.2-complainant Mandeep Kaur have started living together as husband and wife.

This fact has not been disputed by learned counsel for respondents No.2 to 4.

Learned State counsel has also 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 DDR No.21 dated 07.06.2015 under Sections 323, 324, 326, 498-A, 406, 120-B, 148 and 149 IPC (Annexure P-1) recorded in FIR No.94 dated 06.06.2015 under Sections 323, 324, 326 and 452 read with Section 34 IPC registered at

Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-2) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 24.07.2019 (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 14, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No