

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

CRM-M-38090 of 2019.

Decided on:- January 28, 2020.

Yogesh Kumar alias Joni and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Prince Sharma, Advocate
for the petitioners.

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

Mr. J.S. Cheema, Advocate for
Mr. Digvijay Nagpal, Advocate
for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.45 dated 30.05.2014 under Sections 406, 498-A, 354 and 120-B IPC registered at Police Station Khem Karan, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.07.2019 (Annexure P-2).

This Court vide order dated September 09, 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, Patti and got their statements recorded on 23.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 16.01.2020 to the effect that the compromised arrived between the parties is genuine and valid one and statements have been made by the parties without any pressure or coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Neelam Kumari. She along with respondent No.3 Deepti has made a joint statement before learned Magistrate in support of compromise on 23.10.2019, which reads as under:

“Stated that an FIR No.45 dated 30.05.2014 Under Section : 406, 498-A, 354, 120-B of IPC, Police Station : Khem Karan (Tarn Taran), was registered on the statement Neelam Kumari against 1. Yogesh Kumar @ Joni aged 36 years son of Hari Nath, 2. Hari Nath aged 70 years son of Jagdish Chander Mongla @ Jagdish Mittar, 3. Raj Rani aged 64 years w/o Hari Nath, 4. Sangeeta aged 50 years w/o Ravinder Singh Kohli and 5. Suresh Kumar Doomra @ Bitta aged 51 years son of Lok Nath.

We have entered into a compromise in the present case with the respondents mentioned above, on the intervention of friends and respectable of the society. We have mutually decided to live in peace and harmony in the area. We have entered into the present compromise with our own free will and consent without having any kind of pressure. The compromise is genuine, voluntary and without any coercion or undue influence.

In the present case there are some litigations are still pending in the court of Sh. Munish Garg, Ld. SDJM, Patti. ”

Learned State counsel and learned counsel for respondents No.2 and 3 have 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.45 dated 30.05.2014 under Sections 406, 498-A, 354 and 120-B IPC registered at Police Station Khem Karan, District Tarn Taran (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 03.07.2019 (Annexure P-2),

however, subject to payment of Rs.10,000/- as costs to be deposited by the petitioners with Government Medical College and Hospital (GMCH), Sector-32, Chandigarh within a period of one month from today. The said amount shall be utilised by the Institute for the welfare of poor patients within the knowledge of the Medical Superintendent.

January 28, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No