

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

CRM-M-37476 of 2019.

Decided on:- January 28, 2020.

Janpreet Singh and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. K.S. Derabassi, Advocate
for the petitioners.

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

Ms. Anu Bala Garg, 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.366 dated 02.12.2014 under Sections 324 and 323 read with Section 34 IPC (Section 498-A IPC added later on) registered at Police Station Zirakur, District S.A.S. Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of petition under Section 13-B of the Hindu Marriage Act, 1955 dated 08.01.2019 (Annexure P-2) and copy of statement dated 23.07.2019 (Annexure P-3) made by respondent No.2-complainant at the second motion stage.

This Court vide order dated September 06, 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 Judicial Magistrate 1st Class, Dera Bassi and got their statements recorded on 31.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 04.11.2019 to the effect that the matter has been compromised between the parties voluntarily and out of their free will and consent and without any pressure or undue influence and the same is genuine.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant. She has already made a statement before learned Magistrate in support of compromise on 31.10.2019, which reads as under:

“Stated that I have lodged the FIR no.366 Dated 02.12.2014 under Sections 324/323/34 IPC (lateron added Section 498A of IPC), PS Zirakpur against the accused persons namely Janpreet Singh and Kulwant Kaur. Now, with the intervention of the respectables, I have voluntarily entered into compromise with the accused persons namely Janpreet Singh and Kulwant Kaur out of my free will and without any pressure or undue influence, coercion, inducement, threat or promise from any side. I have no objection if the FIR is quashed by the Hon’ble Punjab and Haryana High Court. There is no proclaimed offender in the present case and I am the only affected person in the present FIR. Copy of my Aadhar Card is enclosed as Mark P1.”

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.366 dated 02.12.2014 under Sections 324 and 323 read with Section 34 IPC (Section 498-A IPC added later on) registered at Police Station Zirakur, District S.A.S. Nagar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of petition under Section 13-B of the Hindu Marriage Act, 1955 dated 08.01.2019 (Annexure P-2) and copy of statement dated 23.07.2019 (Annexure P-3) made by respondent No.2-complainant at the second motion stage, 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