

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

CRM-M-37727 of 2019.

Decided on:- January 28, 2020.

Jatinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Sidhant Mehra, Advocate for the petitioners.

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

Ms. Shubreet Kaur, Advocate for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.66 dated 11.07.2019 under Sections 498-A, 406 and 323 IPC registered at Police Station Division No.2, District Pathankot (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 03.08.2019 (Annexure P-2).

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, Pathankot 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 27.11.2019 to the effect that the parties got recorded their statements voluntarily and out of free

will, with regard to the compromise and the compromise is genuine and without any coercion or undue influence.

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:

“That I had lodged FIR no.66 dated 11.07.2019, U/s 498-A, 406, 323 IPC, PS Division No.2, Pathankot against the accused. Jatinder Singh, Debo Rani @ Debo Rani and Onkar Singh. That I have compromised/settled the matter with accused and as per the compromise we have filed petition under Section 13 B of Hindu Marriage Act, copy of same is Ex.C2. I have no objection if the FIR no.66 dated 11.07.2019, U/s 498-A, 406, 323 IPC, PS Division No.2, Pathankot is quashed. That I am the complainant in the said F.I.R. and today I am giving my statement out of my free will and consent, without any coercion and there is no pressure on me.”

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, a joint petition under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by way of mutual consent has already been filed by petitioner and respondent No.2, wherein their statements on first motion have been recorded.

This fact has not been disputed by learned counsel for respondent No.2-complainant.

Learned State counsel has also 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.66 dated 11.07.2019 under Sections 498-A, 406 and 323 IPC registered at Police Station Division No.2, District Pathankot (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 03.08.2019 (Annexure P-2).

January 28, 2020

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No