

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

CRM-M-39289-2019

Decided on:-February 7th, 2020.

SARABJIT SINGH

.....Petitioner.

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents.

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

Present: Mr. Naresh Kumar, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Mandeep Kumar Dhot, Advocate
for the respondent Nos.2 and 3.

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HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0135 dated 18.11.2016 under Sections 498-A and 406 IPC registered at Police Station Chabbewal, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.07.2019 (Annexure P-2).

This Court vide order dated September 16, 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, Hoshiarpur and got their statements recorded on 01.11.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 25.11.2019 to the effect that the compromise has been reached between the parties voluntarily and without any pressure or coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2 complainant-Sarabjit Kaur. She has already made a statement before learned Magistrate in support of compromise on 01.11.2019, which reads as under:

“ FIR No.135 dated 18.11.2016 under Sections 406 and 498-A IPC registered at P.S Chabbewal, District Hoshiarpur against the petitioner-Sarabjit Singh on the basis of my application after inquiry conducted by incharge women cell Hoshiarpur. I and my daughter Jaspreet Kaur effected compromise with the petitioner Sarabjit Singh (wrongly mentioned as Sarabjit Kaur) voluntarily, without any coercion and without any undue influence and with my free consent. I and my daughter Jaspreet Kaur have no objection if the present FIR is quashed on the basis of our compromise.”

Apart from above, a similar statement has been made by respondent No.3 Jaspreet Kaur whereby she has shown no objection to the FIR being quashed

Learned State counsel as well as counsel for respondents No.2 and 3 have 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 petitioner 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.0135 dated 18.11.2016 under Sections 498-A and 406 IPC registered at Police Station Chabbewal, District Hoshiarpur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 26.07.2019 (Annexure P-2).

February 7th, 2020.

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Whether speaking/reasoned:

Yes

Whether Reportable:

No

(HARI PAL VERMA)
JUDGE