

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

CRM-M-43113 of 2019.

Decided on:- February 14, 2020.

Amrik Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Ms. Shivya Sehgal, Advocate
for the petitioner.

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

Ms. Deep Shikha, 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.7 dated 01.02.2018 under Section 498-A IPC registered at Police Station Bilga, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.09.2019 (Annexure P-2).

This Court vide order dated 14.10.2019 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, Phillaur and got their statements

recorded on 25.11.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 20.12.2019 to the effect that the compromise has been effected between the complainant Baljinder Kaur and accused Amrik Singh and same is genuine, voluntary, without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Baljinder Kaur. She has already made a statement before learned Magistrate in support of compromise on 25.11.2019, which reads as under:

“Stated that I am complainant of the present case. I have entered into compromise with the accused Amrik Singh son of Pritam Singh R/O village Noorwala, P.S. Meharban, District Ludhiana with the intervention of the respectable of the locality and have no objection if the accused is acquitted. Today I am making the statement without any pressure coercion, force or undue influence of any kind from anyone. Today I have brought the compromise deed i.e. Ex.P1 and copy of my Adhaar Card is Ex.P-2.”

Learned counsel for the petitioner states that apart from the fact that the matter has been compromised between the petitioner and respondent No.2, they have been residing together as husband and wife.

Learned counsel for respondent No.2-complainant has not disputed the aforesaid fact. Power of attorney filed on behalf of respondent No.2 in Court, is taken on record.

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 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.7 dated 01.02.2018 under Section 498-A IPC registered at Police Station Bilga, District Jalandhar Rural (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise 21.09.2019 (Annexure P-2).

February 14, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No