

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

CRM-M-43610 of 2019.

Decided on:- February 14, 2020.

Jagwinder Singh and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Arshit Goel, Advocate
for the petitioners.

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

Mr. Inder Jit Sharma, 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.68 dated 30.11.2018 under Sections 498-A and 406 IPC registered at Police Station Women Cell, Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement agreement dated 30.08.2019 (Annexure P-2) arrived at the Mediation and Conciliation Centre of this Court.

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, Bathinda 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 27.11.2019 to the effect that the compromise has been effected between the complainant and accused persons and same is voluntary, without any pressure or coercion and is genuine one.

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

“Stated that FIR No.68 dated 30.11.2018 under Section 498-A-/406 IPC, Police Station Women Cell, Bathinda was registered on my statement against Jagwinder Singh son of Darshan Singh and Gurcharan Kaur wife of Darshan Singh. Now, with the intervention of relatives and friends compromise has been effected and accused have filed a petition No.CRM-M-43610 of 2019 before the Hon’ble High Court of Punjab and Haryana, Chandigarh, for quashing the above said FIR which is pending before the Hon’ble High Court of Punjab and Haryana, Chandigarh, for 14.02.2020. Photocopy of compromise is Ex.A1 and I identify my signatures on the same. I have no objection if the above said FIR be quashed against accused Jagwinder Singh son of Darshan Singh and Gurcharan Kaur wife of Darshan Singh. I got recorded by my statement without any pressure, fear and with my free will.”

Learned counsel for respondent No.2-complainant has not disputed the factum of compromise between the parties. 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 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.68 dated 30.11.2018 under Sections 498-A and 406 IPC registered at Police Station Women Cell, Bathinda (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of

settlement agreement dated 30.08.2019 (Annexure P-2) arrived at the Mediation and Conciliation Centre of this Court, subject to the condition that the parties shall adhere to the terms and conditions as mentioned in the settlement agreement. In case of violation of any term and condition of the settlement agreement by either party, the opposite party would be at liberty to invoke the appropriate proceedings in accordance with law.

February 14, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No