

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

CRM-M-44526 of 2019.

Decided on:- February 28, 2020.

Jaswinder Kaur and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

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Present:-    Mr. Pushpinder Kaushal, Advocate  
for the petitioners.

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

Mr. Nikhil Kaushik, 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.241 dated 03.09.2018 under Sections 324, 323 and 120-B read with Section 34 IPC (Sections 498-A and 326 IPC subsequently added) registered at Police Station Talwandi Saboo, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 11.10.2019 (Annexure P-2).

This Court vide order dated October 18, 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 Sub-Divisional Judicial Magistrate, Talwandi Saboo and got their

statements recorded on 28.11.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 03.12.2019 to the effect that the compromise effected between the parties is genuine, voluntary and without any pressure, coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Sukhvir Kaur. She has already made a statement before learned Magistrate in support of compromise on 28.11.2019 which reads as under:

*“Stated that matter has been compromised with all the petitioners/accused No.1 to 6 namely Jaswinder Kaur, Swaran Singh, Gurwinder Kaur, Raj Singh, Satinder Singh Chahal through his SPA Swaran Singh and Rupinder Singh, voluntarily and without any threat, coercion or undue influence. The present FIR may kindly be quashed on the basis of the compromise.”*

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 the petitioner No.5 Satinder Singh Chahal and respondent No.2 Sukhvir Kaur, where the statements on first motion have been recorded and the case is fixed for recording second motion statements on 21.08.2020.

Learned counsel for respondent No.2-complainant has not disputed the factum of compromise effected between the parties. Memo of Appearance filed on behalf of respondent No.2 in Court, is taken on record.

Learned State counsel though has not disputed the factum of compromise between the parties, but he states that the matter is under investigation.

In view of the above, it being a matrimonial dispute and the matter has been compromised between the parties, 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.241 dated 03.09.2018 under Sections 324, 323 and 120-B read with Section 34 IPC (Sections 498-A and 326 IPC subsequently added) registered at Police Station Talwandi Saboo, District Bathinda (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on

the basis of compromise dated 11.10.2019 (Annexure P-2), however, subject to payment of costs of Rs.10,000/- with the Director of Government Multi Speciality Hospital, Sector-16, Chandigarh, which shall be paid by the petitioners within a period of one month from today. This amount shall be utilized for the welfare of poor and needy patients under the supervision of concerned Medical Superintendent.

**February 28, 2020**  
Yag Dutt

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No