

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

CRM-M-64544 of 2018.

Decided on:- March 19, 2020.

Sukhdeep Singh Atwal and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- None for the petitioners.

Ms. Ruchika Sabharwal, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.21 dated 03.12.2016 under Sections 406 and 498-A IPC registered at Police Station NRI, District Ludhiana City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.07.2018 (Annexure P-2).

Vide order dated 30.09.2019, the present petition was dismissed as withdrawn qua the petitioner No.1, however, with liberty to him to file a fresh one as and when he is available in India. Thereafter, the parties i.e. petitioners No.2 and 3 as well as respondent No.2-complainant were directed to appear before the Illaqa Magistrate to get their respective statements recorded with regard to compromise and the Magistrate was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners No.2 and 3 as well as respondent No.2 have appeared before learned Chief Judicial Magistrate, Ludhiana and got their statements recorded on 10.10.2019. On the

basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 06.01.2020 to the effect that the parties have arrived at a volunteer compromise which is without any coercion or threat.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Nishu. Though no one has put in appearance on her behalf, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 10.10.2019 reads as under:

“Stated that I have got the present FIR No.21 dated 03.12.2016 registered under Section 406, 498-A IPC against the accused persons namely Sukhdeep Singh Atwal, Jaspal Singh Atwal and Surinder Kaur. Now, I have compromised the matter with the accused persons with the intervention of respectable persons of the locality voluntarily and without any pressure or coercion on the part of anybody. Now, I have no dispute with accused persons as peer compromise copy of which is Ex.CX. I do not want to pursue with the present case and I have got no objection in case the present FIR No.21 dated 03.12.2016, Under Section 406, 498-A IPC, P.S. NRI Ludhiana City alongwith subsequent proceedings is quashed against the accused persons.”

Learned State counsel does not dispute 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 No.2 and 3 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.21 dated 03.12.2016 under Sections 406 and 498-A IPC registered at Police Station NRI, District Ludhiana City (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners No.2 and 3 on the basis of compromise dated 23.07.2018 (Annexure P-2), however, subject to payment of costs of Rs.10,000/- to be paid by petitioners No.2 and 3 with the Bar Association of this Court within a period of one month from the date of receipt of the copy of this order.

March 19, 2020

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No