

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

CRM-M-54592 of 2019.

Decided on:- March 12, 2020.

Inderpal Kaur.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Prabhjot Singh, Advocate for
Mr. Amit Dhawan, Advocate
for the petitioner.

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

Mr. Vishesh Dogra, Advocate for
Mr. Abhimanyu Vinayak, Advocate for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.8 dated 23.01.2019 under Sections 406 and 498-A IPC registered at Police Station Women Cell, Jalandhar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.09.2019 (Annexure P-2).

This Court vide order dated 19.12.2019 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 petitioner and respondent No.2 have appeared before learned Judicial Magistrate 1st Class, Jalandhar and got their statements recorded on 20.01.2020 and 21.01.2020 respectively. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 06.03.2020 to the effect that the compromise effected between the parties is genuine one, which is not the result of any pressure or coercion and the settlement effected between them is not having any adverse affect upon the rights of any third party.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Parampreet Kaur. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 21.01.2020 reads as under:

“Stated that I had got registered the present FIR no.8 dated 23.01.2019 under Section 406/498-A IPC P.S Women Cell Jalandhar against accused Inderpal Kaur wife of Inderjit Singh resident of House No.50, Guru Nanak Nagar Focal Point, near Police Colony Ludhiana and Jaisaldeep Singh son of Inderjit Singh. Now the matter has been compromised with the accused Inderpal Kaur only with the intervention of respectable of the society and the same has been effected voluntarily for myself. On the basis of the compromise accused Inderpal Kaur moved quashing petition CRM-M No.54592 of 2019 before the Hon’ble Punjab & Haryana High Court at Chandigarh for quashing present case FIR and the present proceedings against her. The said compromise is genuine and arrived at with free consent and without any pressure, coercion, undue influence and inducement from any quarter. I have no grudge or ill will against accused Inderpal Kaur only. Present FIR may kindly be quashed against accused Inderpal Kaur only in view of the said compromise. No

compromise has been effected with other accused Jaisaldeep Singh who is already declared as proclaimed absconder from the Court. I reserve my right to initiate litigation against accused Inderpal Kaur in case cheque no.056567 amounting to Rs.1,45,000/- issued by accused Inderpal Kaur gets dishonoured which as per the compromise I am to present for encashment after the quashing of the FIR qua Inderpal Kaur only. I have also brought the self attested photocopy of my Aadhar card as my identity proof as Ex.C1.”

Learned counsel for respondent No.2 does not dispute the aforesaid fact.

Learned State counsel also 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 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.8 dated 23.01.2019 under Sections 406 and 498-A IPC registered at Police Station Women Cell, Jalandhar, District Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 19.09.2019 (Annexure P-2), however, subject to encashment of cheque no.056567 amounting to Rs.1,45,000/- issued by the petitioner-accused in favour of respondent No.2-complainant. Besides this, the petitioner shall also deposit the costs of Rs.5,000/- with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

March 12, 2020

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No