

**IN THE HIGH COURT OF PUNJAB AND HARYANA**

**AT CHANDIGARH**

**CRM-23770-2020 in/and  
Criminal Misc. No.M-52074 of 2019 (O&M)  
Date of Decision: 29.01.2021**

Avneetpal Singh

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

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

Present:- Mr. Pradhuman Garg, Advocate  
for the petitioner(s).

Ms. Bhavna Gupta, DAG, Punjab.

None for the respondent No.2.  
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**HARI PAL VERMA, J. (Oral)**

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

**CRM-23770-2020**

Prayer in this application filed under Section 482 Cr.P.C. is for preponement of the date of hearing of the main case.

For the reasons stated in the application, the same is allowed and the main case, which is otherwise fixed for 10.03.2021, is hereby preponed and taken on board today itself.

**Criminal Misc. No.M-52074 of 2019**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.45 dated 05.06.2019 under Sections 406, 498-A IPC

registered at Police Station Women, Patiala, District Patiala (Annexure P-1) and subsequent proceedings arising therefrom, on the basis of compromise dated 27.11.2019 (Annexure P-2).

Learned counsel for the petitioner submits that the petitioner has paid the agreed amount of Rs.10 lakhs to respondent No.2-Babaldeep Kaur in terms of settlement dated 27.11.2019 entered between the parties before the Mediation and Conciliation Centre of this Court. He further states that pursuant to order dated December 6, 2019, the parties have got their statements recorded before the Illaqa Magistrate/trial Court and the claim of the respondent No.2, agreed between the parties, has fully been satisfied.

Learned Magistrate has forwarded her report dated 04.03.2020 to the effect that the compromise and settlement arrived at between the parties is genuine, voluntary and without any coercion and undue influence and the complainant-Babaldeep Kaur has no objection to the FIR registered against the accused being quashed. The statement of the complainant recorded on 30.01.2020 reads as under:-

*“Stated that I have registered present FIR No. 45 dated 05.06.2019 under Section 406/498-A IPC, P.S Women Patiala. Now I have compromised the matter with the accused Avneet Pal Singh as per the compromise affected between the parties at Mediation Centre Hon’ble Punjab & Haryana High Court and copy of the same Ex.C1. I have seen the copy of compromise/ settlement deed and I identify my signatures as well as signatures of accused on the said settlement and the copy of the same is Ex. C1. I remained bound with the terms and conditions of Ex. C1 and had already received Rs. 5 lac from the accused at the time of filing of quashing petition by*

*accused and the remaining Rs. 5 lac will be paid in two installments to me out of which Rs. 2,50,000/- will be paid at the first motion in petition under Section 13-B HMA to be filed on 16.03.2020 and remaining Rs. 2,50,000/- will be paid at the time of second motion. Both the parties will withdraw all the cases against each other at the time of filing of petition under Section 13-B of HMA. The above said compromise was affected voluntarily without any force, coercion or undue influence.”*

Learned State counsel does not dispute the factum of compromise effected between the parties.

Though no one is present on behalf of respondent No.2 (complainant), but since no prejudice is going to be caused to the said respondent, this Court has taken up this matter at the request of learned counsel for the petitioner. There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Considering the fact that the present is a matrimonial dispute between the parties and the matter has been compromised between them, this Court finds that there is no impediment in quashing of the FIR in question qua the petitioner. In fact, 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.45 dated 05.06.2019 under Sections 406, 498-A IPC registered at Police Station Women, Patiala, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed *qua* the petitioner on the basis of compromise deed dated 27.11.2019 (Annexure P-2).

January 29, 2021  
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( HARI PAL VERMA )  
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No