

CRM no.M-34810 of 2013 (O&M) 1

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

**CRM no.M-34810 of 2013 (O&M)
Decided on :23-03-2015**

Kamalpreet Singh and others

....Petitioner(s)

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr. Amandeep Singh, Advocate
for Mr. Mandeep K Sajjan, Advocate for the petitioners

Mr. Deepak Garg, AAG, Punjab

Mr. Piyush Sharma, Advocate for respondent no.2.

MAHESH GROVER, J

This is a petition under Section 482 Cr.P.C praying for quashing of FIR No. 190 dated 28.6.2013 registered under Sections 406, 498-A IPC at Police Station City Ferozepur and all consequent proceedings arising therefrom in view of petition filed by petitioner no.1 and respondent no.2 under Section 13-B of the Hindu Marriage Act before District Judge, Ferozepur.

On 13.1.2014, this Court had directed the Illaqa Magistrate/Trial Court to record the statement of all the affected persons and further record a finding as to whether the compromise has been effected voluntarily by the parties.

As per the report received from the said Court, complainant has not appeared for making her statement regarding compromise.

By way of CRM no.M-39438 of 2014 judgment and decree of divorce by mutual consent passed by District Judge, Ferozepur on 4.11.2014

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have been placed on record which indicates that parties have inter se settled the dispute and mutual divorce has been effected between them.

The Hon'ble Supreme Court in **Gold Quest International Private Ltd. vs. State of Tamil Nadu and others, 2014 (4) RCR (Crl.) 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.

The Hon'ble Division Bench of this Court in **Sube Singh & anr. vs. State of Haryana & anr., 2013 (4) RCR (Crl) 102** has held that the High Court is vested with unparallel power to quash criminal proceedings at any stage to secure the ends of justice.

Having regard to the aforesaid and the observations made by the Full Bench of this Court in **Kulwinder Singh v. State of Punjab reported as 2007(3) Law Herald 2225** and of Hon'ble Supreme Court in **Gian Singh Vs. St. of Punjab** reported as 2012(4) RCR (Crl.) 543, instant petition is accepted. Consequently, FIR No. 190 dated 28.6.2013 registered under Sections 406, 498-A IPC at Police Station City Ferozepur and all consequent proceedings arising therefrom are hereby quashed in view of petition filed by petitioner no.1 and respondent no.2 under Section 13-B of the Hindu Marriage Act before District Judge, Ferozepur.

March 23, 2015
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(Mahesh Grover)
Judge