

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

CRM-M- 37012 of 2014

Date of decision: 18.09.2015

Neeraj Ranga and others

V/s

----Petitioner(s)

State of Punjab and another

-----Respondent(s)

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

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. H.S. Bedi, Advocate for the petitioners.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

HARI PAL VERMA, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.97 dated 27.08.2014 registered under Sections 406, 498-A IPC at Police Station Women Cell, Ludhiana, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 31.10.2014, this Court has passed the following order :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.97 dated 27.08.2014 registered under Sections 406, 498-A IPC at Police Station Women Cell, Ludhiana, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

Ms. Amarjit Kaur Khurana, Additional Advocate General, Punjab, at the asking of the Court, accepts notice on behalf of respondent No.1.

Learned counsel for the petitioners undertakes to supply a copy of the petition to the learned Addl. A.G during the course of the day.

To come up on 29.01.2015.

Meanwhile, the parties are directed to be present before the Illaqa Magistrate on 11.12.2014 or any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case is pending against either of the parties or not before the next date of hearing.”

On 29.01.2015, this Court has also passed the following order:-

Counsel for the petitioners states that inadvertently, parties could not appear before the Magistrate on 11.12.2014 but they have already filed a petition for divorce by mutual consent and the second date is now fixed as 24.4.2015. In the circumstances, let the parties record their statements before the Matrimonial Court on 24.4.2015 and report be sent on or before the adjourned date.

Adjourned to 7.7.2015.

Pursuant to the aforesaid orders, the parties have appeared before the Matrimonial Court on 24.04.2015 and have got their statements recorded. On the basis of the statements so recorded by the parties, learned District & Sessions Judge, Ludhaina has forwarded his report dated 28.04.2015 along with the statements of the parties, to the effect that the compromise entered between the parties is genuine,

voluntary and the same has been effected without any coercion and undue influence.

Learned counsel for the petitioners submits that in view of the compromise, the parties have taken divorce and they are staying separately.

The respondent No.2-complainant, namely, *Indu Singh*, aged 28 years wife of Sh. Neeraj Ranga and daughter of Sh. Hans Raj Singh, resident of House No.XXXVI-185, Vikasnagar, Pakhowal Road, Ludhiana has made the following Statement before the Matrimonial Court :-

“That the matter regarding FIR No.97 dated 27.8.2014, under sections 406 and 498-A IPC, police station, Women Cell, Ludhiana had already been compromised. The said FIR was got registered by me against my husband namely Neeraj Ranga, petitioner No.2 and my in laws, Babu Lal Ranga and Saroj Ranga. The terms and conditions of the compromise has been reduced into writing and the same was signed by me with my free consent and will, without any coercion. I have no objection, if the above said FIR would be quashed by the Hon'ble High Court of Punjab and Haryana. I have effected the compromise with petitioner No.2 Neeraj Ranga and my parents in law of my free will and the said compromise is genuine and bona-fide. The original compromise deed has already been placed on the record of the Hon'ble High Court in CRM No.37012-2014. Today, I have seen the photo stat copy of the said compromise deed which is Mark A and the same is correct. No other criminal case is pending against me.

RO & AC
Sd-Indu Singh

Sd/-
(Karamjit Singh)
District Judge, Ludhiana
24.4.2015”

Learned counsel for the State has also not disputed the factum of compromise entered between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR qua the petitioners.

The Hon'ble Supreme Court in **Gold Quest International Private Ltd. vs. 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.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)** and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, as well as judgment of Hon'ble Supreme Court in **Gold Quest International Private Ltd. vs. State of Tamil Nadu and others, 2014(4) RCR (Criminal) 206**, this petition is allowed and FIR No.97 dated 27.08.2014 registered under Sections 406, 498-A IPC at Police Station Women Cell, Ludhiana, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, are hereby quashed.

September 18, 2015
Anjal

(HARI PAL VERMA)
JUDGE