

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

239

**Criminal Misc. No.M-6496 of 2015
Date of Decision: 09.10.2015**

Vikas Bedi

...Petitioner(s)

Versus

Mega Bedi 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:- None for the petitioner (s).

Mr. S.S. Gill, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.15 dated 05.08.2012 under Section 498-A, 406 IPC registered at Police Station Women Cell, District Bathinda (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise (Joint petition U/s 13-B of Hindu Marriage Act, 1955) dated 25.9.2014 (Annexure P-2) entered between the parties.

This Court vide order dated 26.2.2015 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded with regard to the compromise dated 25.9.2014

(Annexure P2) and the trial Court/Illaqa Magistrate was directed to submit its report.

Pursuant to the aforesaid order dated 26.2.2015, the parties appeared before Judicial Magistrate Ist Class, Bathinda and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 20.4.2015 to the effect that the parties have willfully settled their differences and reached at bona fide compromise without any pressure and the same is genuine. The statement of the complainant Mega Bedi, respondent, reads as under:-

“Stated that matter has been compromised with the accused and it was decided to dissolve the marriage by way of mutual consent. The said compromise was arrived at without any pressure or coercion. On account of said oral compromise, a petition under Section 13B of HM Act has been filed and the same is now pending in the Court of Sh. Tejwinder Singh, Hon'ble District & Sessions Judge, Bathinda for 30.04.2015 for recording of final statements of both the parties for dissolution of marriage for passing of decree of divorce. If the accused Vikas Bedi suffers favourable statement for the dissolution of marriage/divorce on 30.04.2015, I have no objection if the proceedings are quashed. I further pray that if Vikas Bedi accused resiles from his final statement and disagree for divorce with mutual consent then the proceedings may not be quashed please.

RO & AC
Sd/- (Mega Bedi)

Sd/-
(Pushpa Rani)
JMIC/Bathinda
08.04.2015”

Though in pursuance of order dated August 6, 2015, the correct address of respondent No.1 has not been filed, but in view of

the fact that the matter which is matrimonial in nature and the statements of the parties have duly been recorded by the learned Magistrate, this Court has taken up the case for decision.

One of the conditions stipulated by the complainant in her statement is that if accused-petitioner Vikas Bedi resiles from his final statement and disagrees for divorce with mutual consent then proceeding may not be quashed.

Learned State counsel submits that in petition under Section 13B of Hindu Marriage Act titled as **Megha Bedi vs. Vikas Bedi, HM File No.272 dated 26.09.2014, CIS No. DMC-534 of 2014** divorce has since been granted by the learned District Judge, Bathinda vide decree of divorce dated 30.04.2015.

Apart from the statement of the complainant, whereby she has shown no objection to the FIR being quashed, 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.

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.15 dated 05.08.2012 under Section 498-A, 406 IPC registered at Police Station Women Cell, District Bathinda (Annexure P-1) and subsequent proceedings arising therefrom are quashed, *qua* the petitioner, in view of compromise (Joint petition U/s 13-B of Hindu Marriage Act, 1955) dated 25.9.2014 (Annexure P-2).

October 09, 2015
SwarnjitS

(HARI PAL VERMA)
JUDGE