

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

(1) CRM-M-7541 of 2014.
Decided on:-19.10.2015.

Raghbir Chand and others

.....Petitioners.

Versus

Parveen Rani Sharma.

.....Respondent.

(2) CRM-M-10348 of 2015.
Decided on:-19.10.2015.

Tej Pal Sharma.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

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

Present:- Mr. Mohd. Yousuf, Advocate
for the petitioner(s).

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Varun Garg, Advocate
for respondent No.1 (in CRM-M-7541-2014) and
for respondent No.2 (in CRM-M-10348-2015).

HARI PAL VERMA, J. (ORAL)

By this common order, this Court proposes to decide the two
petitions i.e. CRM-M-7541 of 2014 titled as ***Raghbir Chand and others***
Versus Parveen Rani Sharma and CRM-M-10348 of 2015 titled as ***Tej Pal***

Sharma Versus State of Punjab and another.

The petition bearing No.CRM-M-7541 of 2014 has been filed by the petitioners, namely, Raghbir Chand son of Rajinder Kumar, Kamaljit Kaur wife of Raghbir Chand and Kushwant Singh son of Raghbir Chand for quashing of criminal complaint bearing criminal case No.48 dated 7.8.2008 under Sections 406 and 498-A IPC as well as under Sections 3 and 4 of the Dowry Prohibition Act, 1961 titled as “Parveen Sharma Versus Tejpal Sharma etc. (Annexure P-6) and summoning order dated 25.9.2012 (Annexure P-7) passed by the Judicial Magistrate 1st Class, Patiala under Sections 406 and 498-A IPC as well as under Sections 3 and 4 of the Dowry Prohibition Act, 1961. The quashing of order dated 17.1.2014 (Annexure P-8) passed by learned Additional Sessions Judge, Patiala whereby revision against the order dated 25.9.2012 has been dismissed has also been sought in this petition.

Similarly, the petition bearing No.CRM-M-10348 of 2015 has been filed by petitioner Tej Pal Sharma for quashing of FIR No.219 dated 10.6.2008 under Sections 406 and 498-A IPC registered at Police Station Tripuri Patiala, District Patiala (Annexure P-1) and the subsequent proceedings arising out of the same on the basis of compromise dated 13.2.2015 (Annexure P-2) arrived between the parties before this Court in Mediation Case No.1884 of 2014 in CRM-M-7541 of 2014.

For the sake of convenience, facts are being taken up from

CRM-M-7541 of 2014.

This Court vide order dated December 4, 2014 referred the matter to the Mediation and Conciliation Centre of this Court, where the parties were directed to appear on 18.12.2014 for amicable settlement.

During the mediation proceedings, settlement has been arrived at between the parties on 30.1.2015 followed by supplementary settlement dated 13.2.2015.

As per the terms of settlement dated 30.1.2015, the parties have settled their dispute on the following terms:

- (a) That the first party has agreed that consequent upon the amicable settlement between the parties, the residential house i.e. # 172, Street No.9, Bhadson Road, Patiala, shall be transferred by the first party by way of gift deed in favour of second party and her son Master Aditya, in equal shares and such gift deed shall be got executed within a period of two months from today at the own expense and cost of the first party.
- (b) That it is also agreed by the second party that she has no intention to get remarried and in the event of her remarrying, the 50% share in the aforementioned house so received by her by way of gift from the first party shall be transferred by her in the name of her son Master Aditya before her getting remarried.
- (c) That the second party has assured the first party that at least once in a month, her son Master Aditya shall visit and remain with the first party either at the house of the first party at Patiala or at any other convenient place agreed between the parties at Patiala, and he shall remain with the first party for 4-5 hours exclusively. This shall, however, be based upon a mutual agreement between the parties so as not to disturb the important schedule of the minor child during his examinations or important engagements, in which even the meeting shall take place at mutually agreed place, after the such exigency is over.

(d) That the first party has further consented that he shall on his own volition, execute two Fixed Deposit Receipts (FDRs) for a sum of Rs.50,000/- each favouring the second party and Master Aditya, c/o Ms. Parveen Rani Sharma, respectively, which shall be handed over to the second party in the court, at the time of finalization of present settlement.

(e) That the second party has consented that the entire litigation instituted by her or at her behest against the first party or her husband or other members of her husband's family, shall deemed to have come to an end, with the fulfilment the conditions Nos.(a) and (d) by the first party. The parties are free to produce the copies of the present settlement before the respective Courts/authorities, to mark an end of pending litigation as aforesaid.

(f) That the second party has agreed that in the event her husband Tej Pal Sharma approaches her through common friends etc. for seeking a quashing of the FIR got registered by the second party against him, in that event the second party shall be bound to give a no objection for quashing of the FIR registered against him by the second party.

(g) That the first party has likewise assured that upon establishing a contact with his son Sh. Tej Pal Sharma, he would also persuade his son to file a mutual consent divorce petition for annulling the marriage between the second party and the son of the first party.

(h) That the second party hereby agrees that all her claims qua the property, estate and assets of the first party, would deemed to have come to an end upon fulfilment of conditions Nos.(a) and (d) of the present settlement.

(i) That the first party assures that he or his son Tej Pal Sharma shall not institute any petition/claim for the custody of minor child named Aditya.

(j) That the second party assures that she shall not institute any claim against the first party for claiming any rights in the properties of the first party for the benefit of the minor child named Aditya.

(k) That the first party has assured that keeping in view love and affection for the minor child Aditya, who happens to be his grandson, the first party shall on his own provide such maintenance or reimbursement of expenditure towards higher education and other expenses etc. to be incurred by said Master Aditya while pursuing his goal of higher education/career.

Learned counsel for the petitioners submits that in view of the aforesaid settlement, both the petitions may be allowed.

The factum of amicable settlement before the Mediation and Conciliation Centre of this Court has not been disputed by the learned counsel for the respondents.

I have heard learned counsel for the parties.

Considering the fact that the parties have amicably settled the matter with the intervention of the Mediation and Conciliation Centre of this Court, no useful purpose would be served to continue with the proceedings before the trial Court in the complaint case as well as in the FIR case.

Though respondent Parveen Rani Sharma is not present in person in this Court today, however, no prejudice would be caused to her as she is a signatory of the settlement arrived between the parties before the Mediation and Conciliation Centre of this Court. Moreover, learned counsel for respondent Parveen Rani Sharma does not dispute the factum of aforesaid settlement.

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

Accordingly, 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 judgment of Hon'ble Supreme Court in ***Gold Quest International Private Limited's case*** (supra), both these petitions are allowed.

Resultantly, the criminal complaint bearing criminal case No.48 dated 7.8.2008 under Sections 406 and 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 titled as "Parveen Sharma Versus Tejpal Sharma etc.; summoning order dated 25.9.2012 passed by learned Judicial Magistrate 1st Class, Patiala under Sections 406 and 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961; order dated 17.1.2014 passed by learned Additional Sessions Judge, Patiala whereby revision against the order dated 25.9.2012 has been dismissed; and the FIR No.219 dated 10.6.2008 under Sections 406 and 498-A IPC registered at Police Station

Tripuri Patiala, District Patiala (Annexure P-1) and subsequent proceedings arising therefrom are quashed on the basis of settlement dated 30.1.2015 and supplementary settlement dated 13.2.2015 arrived between the parties before this Court in Mediation Case No.1884 of 2014 in CRM-M-7541 of 2014.

A photocopy of this order be placed on the file of the connected case.

October 19, 2015

Yag Dutt

(HARI PAL VERMA)
JUDGE