

CRM-M-11528-2018

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

222(1)

CRM-M-11528-2018

Jaswinder Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

222(2)

CRM-M-25968-2014

Amardeep Kaur and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

222(3)

CRM-M-46382-2017

Raghubir Kaur and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

Date of Decision:21.12.2018

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

**Present: Mr. Kawaljyot Singh, Advocate,
for the petitioners in CRM-M-11528-2018 and
for respondent No.2 in CRM-M-46382-2017 and
for respondent Nos.2 and 3 in CRM-M-25968-2014.**

**Mr. Rajbir Attri, Advocate for
Mr. Sanjeev Sharma, Advocate,
for the petitioners in CRM-M-25968-2014 and
CRM-M-46382-2017 and for respondent No.2
in CRM-M-11528-2018.**

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

This order shall dispose of three petitions bearing CRM-M-

11528-2018 (Jaswinder Singh and another Versus State of Punjab and

another) filed by Jaswinder Singh and Parkash Kaur, who are husband and mother-in-law of respondent No.2-Amardeep Kaur, **CRM-M-25968-2014 (Amardeep Kaur and another Versus State of Punjab and others)** and **CRM-M-46382-2017 (Raghubir Kaur and another Versus State of Punjab and another)**. CRM-M-11528-2018 has been filed by Amardeep Kaur and her mother Raghubir Kaur under Section 482 Cr.P.C., seeking quashing of FIR No.16 dated 21.08.2014 under Sections 498-A, 406 IPC, registered at Police Station Jagraon, District Ludhiana, (Annexure P-1 in CRM-M-11528-2018), FIR No.253 dated 28.11.2012 under Sections 342, 452, 380, 120-B IPC, Police Station Basti Bawa Khel, Jalandhar (Annexure P-1 in CRM-M-25968-2014) and quashing of FIR No.226 dated 26.07.2016 under Sections 420, 465, 468, 471, 120-B IPC, registered at Police Station Navi Baradari, District Jalandhar (Annexure P-1 in CRM-M-46382-2017), respectively, and all consequential proceedings arising therefrom on the basis of settlement/agreement entered between the parties.

This Court vide order dated 13.12.2018, when the parties have shown their inclination to settle their dispute by way of an amicable settlement, had directed the parties to appear personally before the Mediator along with their counsel on 13.12.2018 itself.

Pursuant to the aforesaid order, the parties have appeared and joined the mediation proceedings and a settlement/agreement dated 20.12.2018 has been arrived at between the parties. The relevant settlement so entered into between the parties reads as under:-

“The following settlement has been arrived at between the parties hereto.

(i) That the first party undertakes to file two compromise quashing petitions before the Hon'ble High Court with

regard to FIR 253 dated 28.11.2012, registered under Sections 342, 452, 380, 120-B, IPC, registered at P.S. Basti Bawa Khel, Jalandhar and FIR No.226 dated 26.7.2016, under Sections 420, 465, 468, 471, 120-B, IPC at P.S. Navi Baradari, District Jalandhar and the said compromise quashing petitions shall be filed on or before the 15.1.2019 and the first party undertakes/bound to give a statement in the above stated CRM-M No.11528 of 2018 as and when directed by the Hon'ble Court.

(ii) The second party has already filed CRM-M No.11528 of 2018 with regard to FIR No.16 dated 21.8.2014 under Section 498-A and 406 IPC at P.S. Jagraon pending for 21.12.2018 and the second party shall also be bound to give its statements with regard to the compromise in the above mention two quashing petitions which will be filed on or before 15.1.2019.

(iii) It is further agreed between the parties that both the parties shall file a joint petition under Section 13-B of HMA at Jagraon on or before 15.1.2019 by arranging separate Advocates at their own expenses. However, the joint statement under Section 13-B HMA shall be given within one week from the date that both the parties have given their statements in the above mentioned three quashing petitions out of which one is already pending adjudication before this Hon'ble Court (CRM-M No.11528 of 2018) and the rest two quashing petitions shall be filed on the basis of compromise on or before 15.1.2019. Both the parties shall make joint request before the Ld. concerned Court to get the divorce decree passed under Section 13-B on the same date of recording of their statements as per latest law laid down by the Hon'ble Supreme Court.”

Learned counsel for the petitioners in **CRM-M-11528-2018**

has identified his clients Jaswinder Singh and Parkash Kaur, whereas

learned counsel for the petitioners in CRM-M-25968-2014 and CRM-

46382-2017 has identified his clients Amardeep Kaur and Raghubir Kaur. Thus, it is made clear that the present order is being passed in the presence of the parties so that in future they may not re-agitate on the basis of these FIRs.

Learned counsel for the parties along with their respective clients who are present in court are *ad idem* that the matter has been settled between the parties and they have no objection if all the three FIRs are quashed. They have further stated that the parties will move an application under Section 13-B of the Hindu Marriage Act on or before 15.01.2019, as agreed in the settlement.

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

I have heard learned counsel for the parties.

In view of the settlement so arrived at between the parties before the mediation proceedings, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIRs.

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 when the disputes are substantially matrimonial in nature, or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes 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 of India.

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***, as approved by the

Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303* also, in the light of *Gold Quest International Private Limited's case (supra)* and considering the settlement/agreement dated 20.12.2018, whereby the parties have compromised the matter, these petitions are allowed and FIR No.16 dated 21.08.2014 under Sections 498-A, 406 IPC, registered at Police Station Jagraon, District Ludhiana, (Annexure P-1 in CRM-M-11528-2018), FIR No.253 dated 28.11.2012 under Sections 342, 452, 380, 120-B IPC, Police Station Basti Bawa Khel, Jalandhar (Annexure P-1 in CRM-M-25968-2014) and FIR No.226 dated 26.07.2016 under Sections 420, 465, 468, 471, 120-B IPC, registered at Police Station Navi Baradari, District Jalandhar (Annexure P-1 in CRM-M-46382-2017) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of settlement/agreement dated 20.12.2018, subject to payment of costs of ₹10,000/- to be paid by petitioner-Jaswinder Singh, within a period of two months from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. He shall produce a receipt with the Registry.

The parties shall be bound by the terms & conditions of the settlement/agreement dated 20.12.2018 so arrived at between them.

December 21, 2018

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No