

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

Crl. Misc. M-36638 of 2018 (O&M)
Date of Decision: November 19, 2018

Sukhwinder Pal Singh Bindra and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aayush Gupta, Advocate
for the petitioners.

Mr. Ajay Pal Singh Gill, DAG Punjab.

Mr. Surinder Sharma, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of Criminal Complaint No.157/1/2010 of 29.09.2010 and the summoning order dated 25.08.2011 under Sections 406, 498-A, 420 of Indian Penal Code on the basis of compromise.

In brief, a marriage was solemnized between petitioner No.1 and respondent No.2, however, the same did not survive the test of time, which led to filing of the criminal complaints by both the parties against each other. Both the parties approached this court by way of filing CRM-M-258 of 2017 and CRM-M-5650 of 2016 respectively, seeking quashing of criminal complaints filed against them and during the pendency of the

said petitions, the parties were referred to the Mediation and Conciliation Centre of this court for an amicable settlement to their dispute. The same was successful and a Settlement/Agreement dated 29th January, 2018 came into being. The terms of the Settlement/Agreement were that the parties would seek their divorce and withdraw all the cases filed by them against each other and the custody of the minor child would remain with complainant-respondent No.2. The parties also agreed that an amount of ₹ 70 lacs would be given to complainant-respondent No.2 as permanent alimony and maintenance (past, present and future) and thereafter, no further claim would be raised by complainant-respondent No.2 or the minor daughter. In terms of the said compromise, an amount of ₹ 70 lacs has been transferred to complainant-respondent No.2. At the time of entering into Settlement/Agreement, it was mutually agreed that all payments would be made through demand drafts and the same would be converted into fixed deposits in the name of the minor daughter, fetching maximum interest, under the guardianship of the mother Dr. Harveen Kaur and the same would not be encashed till such time, as the minor attains majority.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Chief Judicial Magistrate at Jalandhar, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Today, this court is informed that divorce has been allowed and other terms of the compromise have been adhered to. However, permission

is sought by complainant-respondent No.2 to modify clause (h) to the extent that instead of depositing the amount so received in the name of the minor daughter in the form of fixed deposits, she be allowed to deposit the same in the name of the minor child in sovereign gold bond/Govt. bond/Railway bond etc. earning the maximum interest since, any interest that accrues thereon, would be exempted from taxation.

Learned counsel for the petitioners does not raise any objection to the same.

Accordingly, clause (h) of the Settlement/Agreement is hereby modified permitting complainant/respondent No.2 to deposit the sum of ₹ 70 lacs in the name of the minor child in any sovereign gold bond/Govt. bond/Railway bond etc. earning maximum interest, which would be tax free in the hands of the minor child. However, it is made clear that the said bonds would not be encashed, until the minor child attains majority, but any interest that would accrue on the same, may be withdrawn for the interest and and welfare of the minor child.

I have heard learned counsel for the parties and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and Criminal Complaint No.157/1/2010 of 29.09.2010 and the summoning order dated 25.08.2011 under Sections 406, 498-A, 420 of Indian Penal Code along with all subsequent proceedings arising out of the same are quashed qua the petitioner(s) herein, leaving it open to complainant-respondent No.2 to seek any clarification, should there need so arises, regarding deposit of the said amount.

The petition stands disposed of.

November 19, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No