

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

Crl. Misc. M-5849 of 2018 (O&M)
Date of Decision: May 10, 2018

Gurmukh Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. K.S. Brar, Advocate
for the petitioners.

Mrs. Anju Arora, Addl. AG Punjab.

Mr. Vishal 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 FIR No.40 dated 20.03.2017 registered under Sections 498-A, 406 of Indian Penal Code and Sections 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Sadar Kurali, District SAS Nagar (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant-Gurpreet Kaur on the allegations that her inter caste marriage was solemnized on 15.01.2013 with late Talwinder Singh son of petitioner No.3 and out of which wedlock, one son namely Rajveer Singh was born on 10.12.2013, but her in-laws did not accept this marriage. Due to the

harassment given by her in-laws, her husband committed suicide on 21.02.2016. However, after some time, she was thrown out of her matrimonial home along with the son, while saying that they have no relation with her.

After the registration of the aforesaid FIR, the petitioners herein approached this court for grant of anticipatory bail (CRM-M-14947 of 2017) and during the pendency of the said petition, the parties were referred to the Mediation and Conciliation Centre of this court where, they amicably settled all their disputes by way of Settlement/Agreement dated 05.02.2018 and it is on the basis of said Settlement/Agreement, the instant petition for quashing of the FIR came to be filed.

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

Learned State counsel, on instructions from the Investigating Officer admits to the factum of compromise and submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

As per the settlement/agreement dated 05.02.2018, the petitioners namely Gurmukh Singh and others have voluntarily agreed to

pay a sum of ₹ 21 lacs to complainant-Gurpreet Kaur and her minor son born out of the wedlock of Gurpreet Kaur and the deceased Talwinder Singh son of Major Singh, petitioner No.3 herein, as full and final settlement towards all dues and maintenance (past, present and future). The complainant, who was in possession of a shop and *katcha* room, was to surrender the same to petitioner No.3-Major Singh, on a sum of ₹ 12 lacs being handed over to her. The balance of ₹ 9 lacs was to be paid, out of which a sum ₹ 5 lacs was to be retained in the shape of an FDR in the name of the minor son Rajveer Singh. The complainant as guardian was to be nominee in the said FDR. Apart from this, several conditions having been imposed regarding sole custody, guardianship as well as withdrawal of cases filed by the parties amongst themselves. Out of the settled amount, a sum of ₹ 12 lacs was handed over to the complainant on 12.03.2018, which fact is not disputed.

Counsel for the petitioners has brought two demand drafts in court today made out in the name of Rajveer Singh and Gurpreet Kaur for a sum of ₹ 5 lacs and ₹ 4 lacs, total a sum of ₹ 9 lacs, which is in terms of the settlement arrived at. A photocopy of both the demand drafts is retained on the record.

Counsel for the petitioners contends that it was not possible for an FDR to be made out in the name of the minor namely Rajveer Singh, on account of certain objections raised by the bank, while submitting that the same should be made by the mother namely Gurpreet Kaur.

Counsel for complainant-Gurpreet Kaur, on the other hand, submits that she will open a separate bank account in the name of Rajveer

Singh with her as a guardian and the said demand draft will be deposited in the said bank account and an FDR in the name of the minor will be made.

In view of the above statement made by learned counsel for complainant-Gurpreet Kaur, learned counsel for the petitioners has no objection to the same.

I have heard learned counsel for the parties.

Terms of the compromise are to be adhered to in letter and spirit, insofar as making out an FDR in the name of Rajveer Singh. Let the same be done within a period of four weeks. As such, while disposing of this matter, it is hereby directed that the FDR be made in terms of the compromise and due intimation of the same be given to the petitioners, before proceedings under the anticipatory bail in CRM-M-14947 of 2017.

While disposing of the matter, a request is made that the necessary documents of the vehicles i.e. car/scooter which are in the name of late Talwinder Singh (husband of the complainant) have to be executed, so that the vehicles can be transferred. The necessary documents are to be executed by the mother of the deceased.

Learned counsel for the petitioners submits that the needful be done.

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 FIR No.40 dated 20.03.2017 registered under Sections 498-A, 406 of Indian Penal Code and Sections 3/ 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Sadar Kurali, District SAS Nagar and all subsequent proceedings arising out of the same are quashed qua the petitioner(s) herein. The parties shall remain bound by the terms of the compromise.

The petition stands disposed of.

May 10, 2018

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No