

277.

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

CRM-M-5498-2019

Date of decision: 23.05.2019

KARANJEEV SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Manuj Nagrath, Advocate, for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab, for respondent No.1.

Mr. Kamaldeep Singh Sidhu, Advocate, for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.18 dated 06.04.2016 registered under Sections 406, 498-A of IPC at Police Station Women Cell, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 24.01.2019 (Annexure P-2).

Power of attorney filed on behalf of respondent No.2 in court today, is taken on record.

This Court vide order dated 05.02.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Bathinda and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.03.2019 to the effect that the compromise appears to be genuine and has been effected between the parties voluntarily, out of free will and without any coercion or undue influence.

Respondent No.2-complainant, namely, Tavneet Kaur has made her statement with regard to compromise before learned Magistrate on 01.03.2019. The same is reproduced as under:-

“Stated that I was married to accused Karanjeev Singh S/o Harpal Singh R/o House no.20062 Street No.4, Jujhar Singh Nagar, Bathinda. An FIR No.18 dated 06.04.2016 under Section 406/498-A IPC, Police Station Women Cell, Bathinda was registered by me against the accused Karanjeev Singh. Now with the intervention of relatives, friends and respectables persons, compromise was made on dated 25.01.2019 at Bathinda with the accused party and a compromise deed was duly written and signed by me and Karanjeev Singh and was witnessed by Sh. K.K. Sharma, family friend. As per compromise, I am to receive Rs.25 Lac from Karanjeev Singh in lieu of dowry articles and my permanent alimony out of which I have received Rs.12.5 lac from Karanjeev Singh at the time of making of my first statement in Joint Divorce Petition filed by us U/s 13B of HMA before the Family Court at Bathinda and now is fixed for 31.07.2019 for final statement. The photocopy of the compromise deed is Ex.PX which is correct and I identify my signature at Point A. This compromise was effected without any coercion and pressure from any quarter. Accused Karanjeev Singh had presented a petition No.CRM-M-No.5498 of 2019 before the Hon'ble High Court of Punjab and Haryana, Chandigarh, for quashing the above said FIR and the writ petition is pending before the Hon'ble High Court of Punjab and Haryana, Chandigarh, for 17.05.2019. I have no objection if the above said FIR is quashed against

Karanjeev Singh. I got recorded my statement without any pressure and with my free will.”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

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 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.

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*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as also in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and F.I.R. No.18 dated 06.04.2016 registered under Sections 406, 498-A of IPC at Police Station Women Cell, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 24.01.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education

It is made clear that the parties shall adhere to the terms and conditions of the compromise deed dated 24.01.2019 (Annexure P-2) in letter and spirit and the aggrieved party will have the remedy to invoke the contempt proceedings.

(HARI PAL VERMA)
JUDGE

23.05.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No