

284.

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

CRM-M-6996-2019

Date of decision: 19.08.2019

SIMRAN PAL SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Kushagra Mahajan, Advocate, for
Mr. Namit Gautam, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab,
for respondent No.1.

Mr. Rohit Kumar, 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.106 dated 19.08.2016 registered under Sections 406, 498-A of IPC at Police Station Women Cell, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/ petition filed under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent, dated 06.08.2018 (Annexure P-2).

This Court vide order dated 14.02.2019 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, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 20.07.2019 to the effect that the compromise has been effected between the parties as per their free will, without any kind of pressure, threat or undue influence.

Respondent No.2-complainant, namely, Parabhjot Kaur @ Richa has made her statement with regard to compromise before learned Magistrate on 25.02.2019. The same is reproduced as under:-

“Stated that FIR no.106 dated 19.08.2016 u/s 406/498A IPC P.S. Women Cell Jalandhar was registered at my complaint against my husband accused Simran Pal Singh. Compromise has been effected between me and Simran Pal Singh wherein I have received my full and final maintenance amount and Istri Dhan. The compromise has been effected with my free consent without any undue influence. Further my statement along-with the statement of my husband Simran Pal Singh has been recorded in the Court of Smt. Preeti Sahani Principal Judge family Court Jalandhar wherein I have received a sum of Rs.2,50,000/- in the form of Bank Draft as such total amount of Rs.5,50,000/- has been received by me and I have acknowledged the same in the final statement recorded in petition u/s 13-B HMA. Only my husband was accused in the present case and no body has been declared PO. I have no objection if the said FIR is quashed by the Hon'ble High Court. Copy of my Aadhar Card is Ex.C/A (original seen and return).”

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.106 dated 19.08.2016 registered under Sections 406, 498-A of IPC at Police Station Women Cell, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/petition filed under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent, dated 06.08.2018 (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 and Research (PGIMER), Chandigarh, within

one month from today.

However, the parties shall remain bound by the terms of compromise dated 06.08.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

19.08.2019
sanjeev

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