

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

257

CRM-M-2201-2018

Date of Decision:09.09.2019

Manjit Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Parminder Singh Kanwar, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Amit Arora, 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 FIR No.124 dated 24.09.2015 under Sections 498-A, 420 IPC, registered at Police Station Chhabewal, District Hoshiarpur(Annexure P-1) as well as the the order dated 29.02.2016(Annexure P-2) passed by learned Judicial Magistrate 1st Class, Hoshiarpur, whereby the petitioner was declared as proclamed person in terms of Section 82 Clause 1 of Cr.P.C. and all the consequential proceedings arising therefrom on the basis of compromise dated 05.06.2017 (Annexure P-3).

This Court vide order dated 18.04.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the complainant has appeared

before learned Judicial Magistrate 1st Class, Hoshiarpur and got her

statement recorded. On the basis of the statement so recorded, learned Magistrate has submitted report dated 07.05.2018 to the effect that the compromise has been executed without any fear or favour. The same has been entered into between the parties of their free will and without any coercion or pressure.

Respondent No.2-complainant, namely, Lakhbir Kaur, has made a statement with regard to compromise before learned Magistrate on 02.05.2018. The same is reproduced as under:-

“Stated that a compromise dated 05.06.2017 has been effected between me and accused persons namely Manjit Kumar @ Goldy son of Gopal Dass (through his power of attorney Sh. Abrik Singh), and his family members namely Abrik Singh, Sarabjit Kaur, Dilraj Singh, Nirmaljit Kaur and Ram Lal resident of Dera Beas, Distt. Amritsar with intervention of respectables for maintaining harmony as the dispute has arisen due to matrimonial discord. As per terms of compromise I have received dowry articles viz furniture, clothes, sofa set, iron box, almirah, utensils, bed etc. as also jewellery and Rs.25,000/- cash. I have also obtained ex parte decree of divorce from Manjit Kumar. Since, the matter has been finally settled I do not want to peruse the intent case. I do not have any ill will against accused Manjit Kumar or any of his family members. Said compromise has been entered by me as per my own free will and without any coercion/undue influence from the other side. Accused have handed over original written compromise to counsel in Hon'ble Punjab & Haryana High Court. Photocopy of the same is Annexure CX. I identity my signatures thereon. Copy of judgment of decree of divorce is Annexure CY. The instant FIR may kindly be quashed on the basis of compromise.”

Similarly, statement of petitioner-Manjit Kumar has been recorded through his Special Power of Attorney Abrik Singh son of Gopal Dass, who is stated to be his brother, which is duly executed by petitioner-

Manjit Kumar in favour of Abrik Singh and the same has also been attached

with the report submitted by learned Magistrate.

Learned counsel for the petitioner states that the matter has been compromised between the parties. He relies upon judgment of this Court in **Amandeep Singh and others Versus State of Punjab and another**, 2018(2) CrI.CC 162, to contend that in matrimonial dispute even if the husband has been declared as proclaimed person and wife has come out with the plea that the matter has been compromised with her own free will, without any coercion or pressure, FIR can be quashed. He further states that PO order dated 29.02.2016(Annexure P-2) has been passed in violation of Section 82 Cr.P.C., as the FIR in the case was registered on 24.09.2015, whereas the petitioner has already left the country on 20.06.2015 as he is residing in Portugal.

At this stage, learned counsel for complainant-respondent No.2 does not dispute the very factum of the compromise and states that the parties have resolved the disputes amicably and the divorce petition under Section 13-B of the Hindu Marriage Act has been allowed and as on date decree of divorce is with the parties.

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 F.I.R.

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 judgment passed by this Court in *Amandeep Singh's case(supra)* as the parties have settled their disputes and decree of divorce has been granted under Section 13-B of the Hindu Marriage Act, this petition is allowed FIR No.124 dated 24.09.2015 under Sections 498-A, 420 IPC, registered at Police Station Chhabewal, District Hoshiarpur(Annexure P-1) and all the consequential proceedings arising therefrom including the order dated 29.02.2016(Annexure P-2) passed by learned Judicial Magistrate 1st Class, Hoshiarpur, whereby the petitioner was declared as proclaimed person in terms of Section 82 Clause 1 of Cr.P.C., are hereby quashed qua the petitioner on the basis of compromise dated 05.06.2017 (Annexure P-3), subject to payment of costs of ₹25,000/- to be paid by the petitioner, within a period of one month from today with the **Govt. Medical College and Hospital, Sector-32, Chandigarh** and the said amount would be spent for the treatment of poor patients within the knowledge of Medical Superintendent. The petitioner shall produce a receipt with the Registry.

September 09, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No