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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14475-2019 (O&M)

Date of decision: 27.11.2019

JASWANT SINGH AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Anureet S. Sidhu, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab,
for respondent No.1.

Mr. P.P.S. Tung, Advocate, for
Mr. Barjesh K. Sharma, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

CRM-14492-2019

Prayer in this application filed under Section 482 Cr.P.C. is to place on record the affidavit of complainant-respondent No.2 in support of the compromise.

Application is allowed and the affidavit of respondent No.2-complainant is taken on record.

CRM-M-14475-2019

Petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of F.I.R. No.7 dated 09.11.2015 registered under Sections 498-A, 377 of IPC at Police Station NRI, Patiala, District Patiala (Annexure P-1).

The aforesaid FIR was registered at the behest of respondent No.2-Rajwinder Kaur, who is the wife of petitioner No.3-Gagandeep Singh. The marriage between the parties was solemnized on 05.01.2014. The allegations against the petitioners are that soon after the marriage, they started taunting, beating and maltreating the complainant on the pretext that she has not brought sufficient dowry as per their expectations. Therefore, beating and maltreatment had become a matter of daily routine. There are allegations against petitioner No.3 for committing unnatural offence on the complainant against her wishes. He left the country on 24.03.2014 and returned to India on 13.02.2015. Thereafter, he again committed unnatural offence. The husband again left for abroad on 01.03.2015 and thereafter, the complainant remained in the house of in-laws.

Initially, the present petition was filed for quashing of FIR on merits, however, on 29.05.2019, counsel for the petitioners has submitted that during the pendency of present petition, the matter has amicably been settled between the parties and even a petition under Section 13-B of Hindu Marriage Act has been filed by the parties. Accordingly, the matter was referred to the Mediation and Conciliation Centre of this Court and where the parties have amicably settled the dispute vide settlement agreement dated 12.07.2019.

Since the petitioner No.3 was living abroad and the matter was compromised between the parties, vide order dated 25.09.2019 considering it to be a matrimonial dispute having been resolved between the parties, it was directed that in case the petitioner No.3-Gagandeep Singh surrenders before the trial Court on or before 31.10.2019, he shall be admitted on bail

subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Counsel for the petitioners has informed this Court that pursuant to the order dated 25.09.2019, petitioner No.3 has surrendered before the trial Court and has been admitted on bail vide order dated 22.10.2019 passed by learned Judicial Magistrate Ist Class, Patiala. Petitioner No.3 is present in the Court and he has been identified by the counsel for the petitioners.

Counsel for respondent No.2 has not disputed the factum of compromise.

Learned State counsel, on instructions from ASI Harjeet Singh, states that challan in the case has been presented against the accused.

In view of above since the matter has been compromised between the parties before the Mediation and Conciliation Centre of this Court and this fact has not been disputed by the counsel for respondent No.2-complainant, 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.7 dated 09.11.2015 registered under Sections 498-A, 377 of IPC at Police Station NRI, Patiala, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 12.07.2019, however, that would be subject to payment of costs of Rs.15,000/- to be deposited with the High Court Bar Association in the Lawyers' Welfare Fund, within one month from today..

The settlement agreement dated 12.07.2019 shall form part of the record. The parties shall adhere to the terms of settlement in letter and spirits.

(HARI PAL VERMA)
JUDGE

27.11.2019
sanjeev

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