

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

CRM-M-29788 of 2018.

Decided on:- October 29, 2019.

Mangaljit Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Ms. Ambika Bedi, A.A.G., Punjab.

Mr. Sanjeev 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 FIR No.111 dated 15.12.2017 under Sections 406 and 498-A IPC registered at Police Station Women, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.05.2018 (Annexure P-2).

Learned counsel for the petitioner states that the petitioner had approached this Court seeking anticipatory bail in the aforesaid FIR by way of **CRM-M-3669 of 2018** titled as ***Mangaljit Singh Versus State of Punjab and another***, wherein the matter was referred to the Mediation and Conciliation Centre of this Court. Accordingly, vide settlement agreement dated 03.05.2018, the matter had been compromised between the parties.

He further states that in terms of the aforesaid settlement agreement, a petition under Section 13-B of the Hindu Marriage Act, 1955

had been filed by the petitioner and respondent No.2-complainant and a decree of divorce has been granted dissolving their marriage by way of mutual consent vide judgment and decree dated 22.11.2018 passed by learned Additional District Judge, Ludhiana. Now, the parties are staying separately from each other.

At this stage, Mr. Sanjeev Kumar, Advocate has put in appearance and filed power of attorney on behalf of respondent No.2-complainant, which is taken on record. On instructions from respondent No.2, who is present in Court, he states that the respondent No.2 has no objection in case the present FIR is quashed on the basis of compromise.

Respondent No.2 has also produced a copy of her Aadhar Card in support of her identification, which is taken on record. She has submitted that she has received a sum of Rs.3,90,000/- in lieu of her alimony/maintenance present, past and future and expenses of marriage.

Learned State counsel has not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

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 well as the law laid down in *Gold Quest International Private Limited's case (supra)*, the present petition is allowed and the FIR No.111 dated 15.12.2017 under Sections 406 and 498-A IPC registered at Police Station Women, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 03.05.2018 (Annexure P-2).

October 29, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No