

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

281

CRM-M-16536-2019

Date of Decision:15.07.2019

Kuldip Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Randeep Singh, Advocate for
Mr. Vipin Mahajan, Advocate,
for the petitioners.**

Mr. Sukhbeer Singh, AAG, Punjab.

**Mr. J.P. Dhull, 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.83 dated 01.11.2018 under Sections 498-A, 406 IPC, registered at Police Station Sekhwan, Police District Batala, District Gurdaspur, Punjab (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 15.03.2019 (Annexure P-2) arrived at between the parties before the Mediation Centre.

This Court vide order dated 10.04.2019 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 1st Class, Batala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 31.05.2019 to the effect that the compromise effected between the parties is genuine, which is not the result of any pressure or coercion. A copy of the settlement/agreement dated 15.03.2019 so arrived at between the parties has also been received, which is signed by respondent No.2-Jai Preet Kaur.

Statement of respondent No.2-Jai Preet Kaur has been recorded through her mother Gursimar Kaur. She has made a statement with regard to compromise before learned Magistrate on 21.05.2019. The same is reproduced as under:-

“ Stated that the present case FIR No.83 dated 01.11.2018 under section 498-A, 406 of IPC was registered on the statement of my daughter Jai Preet Kaur at Police Station Sekhwan, Batala. The matter has been compromised with the accused party with the intervention of respectable of the locality. We are living peacefully and we have no grudge against each other and we do not want to proceed against the accused Kuldip Singh son of Kashmir Singh, aged 30 years, Kashmir Singh son of Bachan Singh, aged 58 years and Harjit Kaur wife of Kashmir Singh, aged 56 years, all residents of village Satokha, District Gurdaspur. No other case is pending between us except the present case/FIR. The total 3 accused persons are arrayed in the FIR. No accused persons are absconding/P.O. in this case. I have suffered this statement as per compromise dated 08.03.2019 settled in the mediation center, District Court, Gurdaspur without any coercion, pressure or undue influence and with our own free will. I have no objection if the present FIR be quashed. Copy of my Aadhar Card is Ex.P1.”

As per compromise, the parties shall dissolve their matrimonial bond by obtaining a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act and the petition would be filed before the

Matrimonial Court on 19.03.2019.

Learned counsel for the petitioner has argued that in terms of compromise, divorce petition under Section 13-B has been filed and the statements in first motion have been recorded.

In view of the statement so made by respondent No.2 and the compromise/settlement dated 15.03.2019 arrived at between the parties which is signed by respondent No.2, the present FIR deserves to be quashed.

Learned State counsel as well as the 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)***, this petition is allowed and FIR No.83 dated 01.11.2018 under Sections 498-A, 406 IPC, registered at Police Station Sekhwan, Police District Batala, District Gurdaspur, Punjab (Annexure P-1)

and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 15.03.2019 (Annexure P-2) arrived at between the parties before the Mediation Centre, subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

July 15, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No