

247.

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

CRM-M-17449-2019

Date of decision: 05.08.2019

GURMEET SINGH AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

HC Naresh Kumar.

None 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.32 dated 27.03.2014 registered under Sections 406, 498-A of IPC at Police Station Women, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 13.10.2018 (Annexure P-2).

This Court vide order dated 22.04.2019 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 Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

genuine and has been effected between the parties voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jyotshana but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 22.05.2019. The same is reproduced as under:-

“Stated that I was married on 29.06.2012 with Gurmeet Singh and after marriage one girl child was born out of this wedlock. However, due to some misunderstanding and difference of opinion between me and my husband, I got registered the FIR vide FIR No.32 dated 27.03.2014, U/s 406, 498-A IPC against Gurmeet Singh my husband as well as against my mother-in-law Smt. Vidyawati wife of Baldev Singh. Apart from it I had also filed complaint under Domestic Violence Act. With the intervention of the respectable the matter has been compromised between me and my husband. On the basis of compromise me and my husband had already filed petition U/s 13-B of Hindu Marriage Act, which is pending before learned Additional District Judge, Ludhiana for 12.07.2019 in which the statement of first motion has already been recorded by both of us and matter is pending for statement for second motion, on the basis of compromise the petition under Domestic Violence Act has already been withdrawn by me.

On the basis of compromise Gurmeet Singh and Vidya Wati my husband and mother-in-law respectively have filed petition U/s 482 Cr.P.C. in Hon'ble Punjab and Haryana High Court for quashing of above said FIR and vide order dated 22.04.2019 Hon'ble Justice Sh. Hari Pal Verma had pleased to issue the direction to the learned lower court to record the statement of the parties on the basis of the compromise for

today i.e. 22.05.2019. Today I am in view of compromise making the statement to the effect that the present compromise is executed by me out of my own will and volition and no pressure has been exerted upon me and on the basis of compromise it has been settled by us that minor daughter Kavyanjali will remain in my custody and Gurmeet Singh and Vidya Wati will not claim custody of minor and the parties will remain bound by the compromise terms as mentioned in divorce petition under section 13-B of Hindu Marriage Act. The persons arrayed in the FIR are two and no accused has been declared as proclaimed offender till date.”

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.32 dated 27.03.2014 registered under Sections 406, 498-A of IPC at Police Station

arising therefrom are quashed qua the petitioners on the basis of compromise dated 13.10.2018 (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.

(HARI PAL VERMA)
JUDGE

05.08.2019
sanjeev

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