

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

CRM-M-17793 of 2019.

Decided on:- December 13, 2019.

Kulvir Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Manish Kumar Singla, Advocate and
Mrs. Shikha Singla, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

None for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.13 dated 02.03.2019 under Sections 406, 498-A and 323 IPC registered at Police Station Sadar Kurali, District SAS Nagar (Mohali) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement agreement dated 11.04.2019 (Annexure P-2) arrived at the Mediation and Conciliation Centre of this Court.

This Court vide order dated 22.04.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise. However, the parties did

not appear before learned Magistrate for recording their statements and thereafter, vide order dated November 15, 2019 passed by this Court, one more opportunity was granted to them to get their statements recorded before learned Magistrate in support of compromise.

Pursuant to the aforesaid order dated November 15, 2019, the petitioner and respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Kharar and got their statements recorded in support of the compromise on 18.11.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 21.11.2019 to the effect that the compromise appears to be genuine, voluntary and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Sukhwinder Kaur. Though no one has put in appearance on behalf of respondent No.2, but it would not cause any prejudice to her as she has already made a statement in support of compromise before learned Magistrate on 18.11.2019, which reads as under:

“Stated that one FIR No.13 dated 02.03.2019 under Sections 406, 498-A and 323 of Indian Penal Code, at Police Station Sadar Kurali, S.A.S. Nagar, was registered on my statement against accused Kulvir Singh only.

Now, with the intervention of the respectables, I have voluntarily entered into compromise with above named accused, out of my free will and without any pressure or undue influence, coercion, inducement, threat or promise from any side. On the basis of compromise, accused has filed a quashing petition bearing No.CRM-M-17793 of 2019 titled as Kulvir Singh Versus State of Punjab and another, in which the Hon’ble High Court

has directed both the parties to come present before the trial Court for recording their statements with regard to compromise. In compliance of the order of the Hon'ble High Court, I have come present for recording my statement. I have no objection if the above said F.I.R. is quashed by the Hon'ble Punjab and Haryana High Court against accused. No other case is pending against us. None of the parties has been declared proclaimed offender. There is only one accused in the present F.I.R. The photocopy of my Aadhaar Card is mark-A."

Learned counsel for the petitioner states that apart from the fact that the matter has been compromised between the parties, a decree of divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955 has already been granted to the petitioner and respondent No.2.

Learned State counsel does not dispute the factum of compromise 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.13 dated 02.03.2019 under Sections 406, 498-A and 323 IPC registered at Police Station Sadar Kurali, District SAS Nagar (Mohali) (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of settlement agreement dated 11.04.2019 (Annexure P-2) arrived at the Mediation and Conciliation Centre of this Court, however, subject to payment of costs of Rs.5,000/- to be paid by the petitioner to the Government Medical College and Hospital, Sector-32, Chandigarh, which shall be paid by the petitioner within a period of one month from today. This amount shall be utilized for the welfare of poor and needy patients under the supervision of concerned Medical Superintendent.

December 13, 2019

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No