

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-21566 of 2019

Date of Decision: 13.05.2019

Navdeep Kumar

...Petitioner(s)

Versus

State of Punjab & Anr.

...Respondent(s)

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

Present:- Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr.Kunwar Rajan, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 is for quashing of Rapat No.37 dated 25.05.2016 under Sections 498-A, 406, 323, 34 IPC registered at Police Station Bagha Purana, District Moga (Annexure P-2), in a cross-version case in FIR No.80 dated 25.05.2016 under Sections 323, 506, 148, 149 IPC registered at Police Station Bagha Purana, District Moga (Annexure P-1). The version in the FIR was recorded on the statement of the petitioner against respondent no.2, her parents and her brother, whereas the cross-version was recorded on the statement of respondent no.2. In the said FIR,

police has the filed cancellation report. The quashing in the present case is being sought on the basis of compromise so entered between the parties.

Since there was matrimonial dispute between the parties, this Court had referred the matter to the Mediation and Conciliation Centre of this Court in CRM-M-3870, 3990 and 29864 of 2018 *Navdeep Kumar Vs. Meenu Bala*. Accordingly, the parties appeared before the mediator and a compromise/settlement has arrived at between them. The terms and conditions of the settlement, as contained in the report of the mediator dated 29.04.2019 (Annexure P-3), read as under:-

- “1. The parties have decided that they will reside in the matrimonial home at Moga along with their child master-Rehmat Arora. Both the parties shall make whole hearted efforts to forget their disputes and differences and shall make all efforts to make their married life peaceful and happy.*
- 2. It has been agreed between the parties that Som Prakash S/o Faqir Chand (Taya Ji of Meenu) R/o Shyama Nurse wali Gali, Sri Muktsar Sahib and Baljit Singh S/o Gobind Singh, (Mama Ji) Rani wife of Baljit Singh R/o Moga will never visit/interfere in the matrimonial life of Navdeep Kumar and Meenu.*
- 3. Both the parties have decided that they shall put in all efforts to co-operate with each other to make their family life better for the welfare of their minor child.*
- 4. Both the parties have decided to stay together. It has been further agreed that husband-Navdeep Kumar along with his family will visit at this in-laws place-Sri Muktsar Sahib on 1.5.2019 and bring her wife and son back with all respect and love.*
- 5. This compromise has been reached between the parties without any pressure and both the parties have very happily agreed to abide by the terms and conditions of the agreement.*

Both the parties shall be bound with the terms and conditions of this compromise and in case any of the parties fails to comply with the terms and conditions of the present compromise, the other party shall be free to reopen the litigation.

6. *It has been further agreed by the husband at that he will pay Rs.10,000/- (Rupees Ten Thousand) as pocket money to his wife-Meenu on seventh of every month.*
7. *It has been further agreed between the parties that Navdeep Kumar-Father of Rehmat Arora will pay Rs.1,50,000/- (Rupees One Lakh fifty thousand) in the shape of FDR in Nationalised Bank. It has been further agreed that the mother will be the nominee of this FDR till he attains majority.*
8. *It has been agreed that Meenu-wife will get her transfer job from Sri Muktsar Sahib to Moga or some other nearby place, so that husband and wife can spend quality time with their child.*
9. *That the abovementioned cases will be withdrawn by both the parties in the respective courts. It has been further agreed that both the parties will file affidavit for the quashing of FIR No.80 dated 25.5.2016 under sections 323, 148, 149, 506 IPC at Police Station Bagha Purana, District Moga, Punjab and Rapat No.37 dated 5.5.2016 under sections 498-A, 406, 323, 34 IPC, at Police Station Bagha Purana, District Moga, Punjab.*
10. *It has been further decided between the parties that in case of necessity & in case of coming into knowledge of any complaint or application, both the parties shall be free to present the copy of the above compromise before any authority or court if the same is required to witness the execution of the compromise or to settle any pending controversy between the parties.*

11. *The parties have gone through the contents of the present compromise and after admitting the same as correct, have put their respective signatures.”*

Learned counsel for the petitioner has argued that in terms of settlement so arrived between the parties dated 29.04.2019 (Annexure P-3), the matter has been amicably resolved between the parties and as a result thereof, the parties are staying together as husband and wife along with their child Rehmat Arora, born out of this wedlock on 07.09.2016.

Mr. Kunwar Rajan, Advocate has put in appearance on behalf of respondent no.2 and filed his *vakalatnama* in Court, which is taken on record. He does not dispute the factum of compromise between the parties. He further submits that respondent no.2 is residing with the petitioner as his wife along with their child and she has no objection in case the Cross-version case in question is quashed on the basis of compromise. He has also filed the affidavit of respondent no.2 to this effect, in Court, which is taken on record.

Even respondent no.2 – Meenu Bala, who is the author of the present rapat, is also present in Court. She has stated that as per the compromise/settlement dated 29.04.2019, they have resolved the matter amicably and now, they are staying together as husband and wife along with their child and there is no dispute between them as on date.

To a specific query put forward by this Court, as to whether the petitioner would treat his wife-respondent no.2 in indifferent manner, he has given a specific reply that they will live together without any ill-will as husband and wife along with their child and will not fight with each other any more.

In view of the fact that the matter has been compromised between the parties and they have started living together as husband and wife along with their child, it is in the interest of the parties that the present DDR deserves to be quashed, so that they can live comfortably.

Hon'ble Apex Court in **Gold Quest International Private Ltd. vs. 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.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303 and also in the light of judgment of the Apex Court in **Gold Quest International Private Ltd. vs. State of Tamil Nadu and others** (*supra*), this petition is allowed and Rapat No.37 dated 25.05.2016 under Sections 498-A, 406, 323, 34 IPC registered at Police Station Bagha Purana, District Moga, as cross-version of case FIR No.80 dated 25.05.2016 under Sections 323, 506, 148, 149 IPC registered at Police Station Bagha Purana, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed *qua* the petitioner, on the basis of compromise/settlement dated 29.04.2019 (Annexure P-3).

However, the SHO, Police Station Bagha Purana or any other lady police officer, who may be appointed on his behalf, shall visit the house of the parties once in every three months for another one year to watch the conduct of the parties and in case it is found that respondent no.2 is being given beatings or being harassed by the petitioner in any manner, she would be at liberty to move an appropriate application before this Court seeking revival of this petition.

May 13, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No