

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

352

CRM-M-21948-2019

Date of Decision:26.08.2019

Rakesh Kumar and others

.....Petitioners

Versus

Ravinder Kaur

.....Respondent

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

Present: Ms. Sukhpreet Kaur, Advocate,
for the petitioners.

Mr. Sandeep Sharma, 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 complaint No.RBT-44/1/2015 dated 27.11.2014 under Sections 406, 498-A IPC pending in the Court of learned Judicial Magistrate 1st Class, Phillaur and the summoning order dated 26.10.2015 under Sections 406, 498-A IPC (Annexure P-2) and all the consequential proceedings arising therefrom on the basis of statement dated 03.04.2019 made in the petition filed under Section 13-B of the Hindu Marriage Act(Annexure P-3).

Memorandum of appearance filed on behalf of the respondent-complainant today in the Court, is taken on record.

Learned counsel for the petitioners states that decree of divorce between petitioner No.1-Rakesh Kumar and the respondent-Ravinder Kaur

has been granted by learned matrimonial Court on 04.07.2019. She refers to statement (Annexure P-3) of the complainant-respondent Ravinder Kaur wife of petitioner No.1-Rakesh Kumar made at the first motion stage.

This Court vide order dated 14.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court 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, Phillaur, District Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.07.2019 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Respondent-complainant, namely, Ravinder Kaur, has made a statement with regard to compromise before learned Magistrate on 03.07.2019. The same is reproduced as under:-

“I have compromised the matter in question with all the accused namely Rakesh Kumar, Shadi Ram, Resham Kaur and Bhupinder Kumar in the Hon'ble Court of Ms. Preeti Sahni, Principal Judge, Family Court Jalandhar vide order dated 03.04.2019. Now I have no grudge against the accused. The compromise is voluntarily, without any coercion or any undue influence and pressure of any kind from any side. I have brought my Aadhar Card in original today. The copy of the same is Ex.C6. I have no objection if the present complaint is quashed and accused are acquitted.”

Learned counsel for the respondent has 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 complaint.

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 complaint No.RBT-44/1/2015 dated 27.11.2014 under Sections 406, 498-A IPC pending in the Court of learned Judicial Magistrate 1st Class, Phillaur and the summoning order dated 26.10.2015 under Sections 406, 498-A IPC (Annexure P-2) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of statement dated 03.04.2019 made in the petition filed under Section 13-B of the Hindu Marriage Act(Annexure P-3).

August 26, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No