

244.

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

CRM-M-9827-2015

Date of decision:13.03.2019.

VIPANDEEP AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. K.S. Dhaliwal, Advocate, and
Ms. Loveleen Dhaliwal, Advocate, for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab, for respondent No.1.

Mr. H.S. Deol, Advocate, for
Mr. Bhupender Banga, 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 F.I.R. No.132 dated 03.12.2013 registered under Sections 406, 498-A of IPC at Police Station Phase 8, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom.

Petitioners are husband, in-laws and sister-in-law of Naginderjit Kaur, who was married with petitioner No.1-Vipan Deep on 13.02.2011 at Mohali. Naginderjit Kaur is the daughter of respondent No.2-complainant.

Vide order dated 21.02.2019, on joint request of the parties, the matter was referred to the Mediation and Conciliation Centre of this Court. Since the petitioners and the daughter of the complainant are living abroad i.e. in Canada, the parties or their representatives were directed to appear before the Mediator on 28.02.2019.

Learned counsel for the petitioners has submitted that pursuant

Mediator. He has argued that petitioners No.1 to 4 have executed a General Power of Attorney authorizing Kashmir Singh son of Mann Singh, resident of House No.1457, Sector 40-B, Chandigarh, to act on their behalf.

Learned counsel for respondent No.2-complainant has argued that since the daughter of the complainant Naginderjit Kaur is already living in Canada, Naginderjit Kaur has executed Special Power of Attorney in favour of respondent No.2-Harjit Kaur (mother of Naginderjit Kaur) authorizing her to act on her behalf in the pending proceedings.

As per the report from the Mediator dated 12.03.2019, the parties have settled their dispute by way of amicable settlement and a settlement deed dated 12.03.2019 has been reduced into writing which is signed by the authorized representatives of the parties. Respondent No.2 at whose behest the FIR was registered is the signatory to the said settlement.

Learned counsel for respondent No.2-complainant states that Naginderjit Kaur has executed a Special Power of Attorney dated 17.12.2018 in favour of respondent No.2 and she was competent to make statement on behalf of Naginderjit Kaur.

As per the settlement, learned counsel for the petitioners has handed over a draft of Rs.6,50,000/- to respondent No.2 who is present in Court. Photocopy of the same is taken on record.

I have heard learned counsel for the parties.

Noticing the fact that the matter has been compromised between the parties before the Mediation and Conciliation Centre of this Court and a settlement deed dated 12.03.2019 has been reduced into writing, this Court finds that no useful purpose would be served to keep the FIR alive any more.

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.132 dated 03.12.2013 registered under Sections 406, 498-A of IPC at Police Station Phase 8, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement dated 12.03.2018, however, that would be subject to payment of costs of Rs.50,000/- by the petitioners and Rs.25,000/- by respondent No.2 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

13.03.2019
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.