

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

265

CRM-M-52738-2018

Date of Decision:18.01.2019

Rajinder Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Sanjeev K. Virk, Advocate,
for the petitioners.

Mr. Jagmohan Ghuman, D.A.G., Punjab.

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 FIR No.51 dated 18.05.2015(Annexure P-1) under Sections 406, 498-A, 323, 34 IPC, registered at Police Station Women Cell, Ludhiana and all the consequential proceedings arising therefrom on the basis of statements of the parties recorded before learned Additional District Judge, Ludhiana, under Section 13-B of the Hindu Marriage Act, 1955 (Annexures P-2 and P-3), respectively.

Learned counsel for the petitioners states that since petitioner No.3-Meenu Bala has been declared as a proclaimed offender, he be permitted to withdraw the present petition qua her.

Accordingly, the present petition is dismissed qua petitioner

No.3-Meenu Bala.

This Court vide order dated 29.11.2018 had directed the parties to appear before the trial court/Illaq Magistrate 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, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.12.2018 to the effect that the parties have arrived at a compromise without any pressure or coercion.

Though, today no one is present on behalf of respondent No.2- Complainant, namely, Monika Rani, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 30.11.2018. The same is reproduced as under:-

“Stated that FIR No.51 dated 18.05.2015 U/S 406/498/323/34 IPC, P.S. Women Cell, Ludhiana was registered on my statement. I have compromised matter with accused Rajinder Kumar aged 32 years, son Madan Lal R/o H.No.273, Street No.3, Janta Colony, Rahon Road, Ludhiana, Madan Lal S/o Parkash Lal R/o H.No.273, Street No.3, Janta Colony, Rahon Road, Ludhiana, Meenu Bala W/o Hardeep Singh S/o Gurnam Singh, R/o H.No.776, Street No.6, Krishna Colony, Rahon Road, Ludhiana at present R/o VIA ARNO 54, LEVANE (MONTEVARCHI) AREZZO-52025 with my free will and without any pressure. Accordingly we have filed petition U/s 13 B HMA has already been decreed by the court of Ms. Sanjeeta, Additional District Judge, Ludhiana in which I have already received Rs.6,50,000/- through two Drafts as my present, past and future maintenance/permanent alimony. Now nothing is due against the accused. The petition U/s 13 B HMA has already been decreed by the court of Ms. Sanjeeta, ADJ, Ludhiana today. The FIR is also registered against Meenu Bala W/o Hardeep Singh, S/o Gurnam Singh, R/o H. No.776, Street No.6,

Krishna Colony, Rahon Road, Ludhiana at present R/o VIA ARNO 54, LEVANE (MONTEVARCHI) AREZZO-52025 who has been declared proclaimed absconder in the present case. I have no objection if above FIR is quashed in toto on the basis of compromise effected between me and the accused.”

Learned State counsel 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 F.I.R.

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. FIR No.51 dated 18.05.2015 (Annexure P-1) under Sections 406, 498-A, 323, 34 IPC, registered at Police Station Women Cell, Ludhiana and all the consequential proceedings arising therefrom are hereby quashed qua petitioner Nos.1 and 2 only on the basis of statements of the parties recorded before learned Additional District Judge, Ludhiana, under Section 13-B of the Hindu Marriage Act, 1955

₹5,000/- to be paid by petitioner Nos.1 and 2, within a period of 15 days from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

January 18, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No