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

I.

CRM-M-9800-2018

Date of decision:13.02.2019.

MANPREET SINGH

... Petitioner

versus

STATE OF HARYANA AND ANR.

.... Respondents

II.

CRM-M-55955-2018

GURPARTAP SINGH AND ORS.

... Petitioners

versus

STATE OF HARYANA AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. S.S. Ranghi, Advocate,
for the petitioner(s).

Mr. Major Singh, petitioner No.3 (in CRM-M-55955-2018) in
person.

Ms. Mahima Yashpal, AAG, Haryana,
for respondent No.1.

Mr. Rajesh Arora, Advocate,
with respondent No.2-Jaspal Singh Jubbal in person.

HARI PAL VERMA, J.(Oral)

This order shall dispose of two petitions i.e. **CRM-M-9800-2018** titled as ***Manpreet Singh Versus State of Haryana and another*** and **CRM-M-55955-2018** titled as ***Gurpartap Singh and others Versus State of Haryana and another.***

The complainant is Jaspal Singh Jubbal, whose daughter Jasmine Jubbal was married with Manpreet Singh on 23.03.2014.

CRM-M-9800-2018 has been filed by the petitioner-Manpreet Singh (husband of the complainant's daughter) for quashing of FIR No.0259 dated 25.07.2017 registered under Sections 406, 498-A, 506, 34 of IPC at Women Police Station Gurgaon (Annexure P-1), on merits.

Whereas CRM-M-55955-2018 has been filed by the petitioners, namely, Gurpartap Singh, Balwinder Kaur and Major Singh, who are father, mother and uncle of Manpreet Singh (husband) respectively, for quashing of aforesaid FIR on the basis of compromise/settlement dated 06.12.2018 (Annexure P-2) as entered between the parties before the Mediation and Conciliation Centre of this Court.

Learned counsel for the petitioners states that since the matter has been compromised between the parties, present FIR deserves to be quashed.

Learned counsel for respondent No.2-complainant fairly admits the very factum of compromise entered between the parties and states that as per the settlement dated 06.12.2018, the petitioner-Manpreet Singh (husband) is required to pay an amount of Rs.19.50 lakhs to the complainant and out of this amount, an amount of Rs.10 lakhs had already been paid on 10.12.2018 by way of bank draft bearing No.568102 of Punjab National Bank, Sarabha Nagar, Ludhiana. For the remaining amount of Rs.9,50,000/-, a bank draft bearing No.008521 dated 11.02.2019 of Axis Bank Limited, has been handed over to the complainant-Jaspal Singh Jubbal, present in the Court today.

The photocopies of the drafts submitted by the counsel for the petitioners reflecting above payments are taken on record.

Learned State counsel, on instructions from HC Sunny, states that in the aforesaid FIR, no challan has been presented against the petitioners in CRM-M-55955-2018 and they have been put in column No.2. Therefore, the petitioners in this case have no right to approach this Court.

Having heard learned counsel for the parties and considering the fact that the matter has been compromised between the parties before the Mediation and Conciliation Centre of this Court on 06.12.2018 whereby the parties are required to settle their disputes including quashing of FIR and other cases, this Court finds that the FIR, as a whole, is liable to be quashed.

The relevant extract of the details of cases between the parties and the terms and conditions so settled between the parties in paras No.6 and 7 of the settlement dated 06.12.2018 read as under:-

“6. Apart from the present T.A., following cases are pending between the parties:-

i) HMA No.1189 of 2016 dated 04.07.2016 titled as 'Manpreet Singh Vs. Jasmine Jubbal', pending before Learned Additional District Judge, Ludhiana.

ii) FIR No.0259 dated 25.07.2017 under Sections 498A, 506/34 IPC lodged by Mr. Jaspal Singh Jubbal on behalf of Jasmine Jubbal at Police Station Women, Gurgaon against Manpreet Singh (Husband), Gurpartap Singh (Father-in-law), Balwinder Kaur (Mother-in-law) and Major Singh Gill (Chacha).

iii) For quashing the abovesaid FIR, CRM-M-9800 of 2018 has been filed by Manpreet Singh-petitioner/first party before the Hon'ble High Court, which is fixed for 13.02.2019.

7. *The following settlement has been arrived at between the parties hereto:*

a) *That both the parties namely Jasmine Jubbal and Manpreet Singh are residing in Australia and have obtained divorce order there from the Deputy Registrar Boldiston dated 02 August, 2017 made at Parramatta.*

b) *That in lieu of full and final settlement of all the disputes between the parties (Civil and Criminal), the second party namely Manpreet Singh will pay a sum of Rs.19,50,000/- (Rupees Nineteen Lacs and Fifty Thousand only) to the first party-Jasmine Jubbal through Demand Draft in the name of Jaspal Singh Jubbal, Special Power of Attorney of Jasmine Jubbal in full and final settlement. Out of which, Rs.10,00,000/- (Rupees Ten Lacs only) would be paid in the shape of Demand Draft in the name of Sh. Jaspal Singh Jubbal, Special Power of Attorney of Jasmine Jubbal at the time of first hearing of quashing of the above-mentioned FIR by other co-accused namely Gurpartap Singh (Father-in-law), Balwinder Kaur (Mother-in-law) and Major Singh (Chacha) and remaining amount of Rs.9,50,000/- (Rupees Nine Lacs and Fifty Thousand only) would be paid on the date of final hearing of quashing of the abovesaid FIR qua all the accused of the second party.*

c) *That after receiving the abovesaid amount of Rs.19,50,000/- (Rupees Nineteen Lacs and Fifty Thousand only), the first party-Jasmine Jubbal will withdraw her the abovesaid T.A. No.684 of 2018 pending before the Hon'ble High Court.*

d) *The second party namely Manpreet Singh has already filed application to withdraw the above-said Divorce Petition filed by him in the Court of Additional District Judge, Ludhiana. The second party-Manpreet Singh has agreed to withdraw the abovesaid Divorce*

Petition as divorce granted by the Australian Court has become final.

e) That Jaspal Singh Jubbal, Special Power of Attorney of first party Jasmine Jubbal shall have no objection for allowing the quashing petition to quash the FIR No.0259 dated 25.07.2017 under Sections 498A, 506/34 IPC at Police Station Women, Gurgaon (in petition bearing CRM-M-9800 of 2018 filed by Manpreet Singh-petitioner/first party pending before the Hon'ble High Court for 13.02.2019) in view of the present settlement/ agreement.

f) That no other Civil or Criminal case is pending between the parties and both the parties undertake not to file any other litigation against each other relating to matrimonial dispute in future in India and Australia as well both parties shall not interfere in their personal and professional life.

g) That the first party shall not claim any maintenance, permanent alimony, any right in the property from the second party in future for herself. Second party will also not make any such demand in future.

h) That there will remain no dispute about dowry articles after receiving the abovesaid amount.”

The 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

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)**, the petition i.e. CRM-M-9800-2018 is allowed and FIR No.0259 dated 25.07.2017 registered under Sections 406, 498-A, 506, 34 of IPC at Women Police Station Gurgaon (Annexure P-1) on the basis of compromise dated 06.12.2018, however, that would be subject to payment of costs of Rs.25,000/- 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.

Since no challan has been filed against the petitioners in CRM-M-55955-2018 and they have been kept in column No.2, the same is dismissed as having been rendered infructuous.

(HARI PAL VERMA)
JUDGE

13.02.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No