

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

CRM-M-24462 of 2020 (O&M)
Decided on:- September 22, 2020.

Sukhdev Singh @ Sukhdev Raj and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Satraj Singh Toor, Advocate
for the petitioners.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Parveen Rohila, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.17 dated 06.02.2020 under Sections 323, 406, 498-A and 506 read with Section 34 IPC registered at Women Police Station, Panipat, District Panipat (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement/agreement dated 16.03.2020 (Annexure P-2) effected between the petitioners and respondent No.2 at the Mediation and Conciliation Centre of this Court.

Learned counsel for the petitioners submits that since it was a matrimonial dispute between the parties, the matter has now been settled between them through the mediation proceedings and in terms of the settlement/agreement dated 16.03.2020 (Annexure P-2), the house has been

transferred in the name of respondent No.2. Even a joint petition under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by way of mutual consent has been filed by petitioner No.4 Kanwarjit Singh and respondent No.2 Baljeet Kaur before the family Court, wherein the statements at first motion have also been recorded on 04.09.2020 and the case is now fixed for recording second motion statements on 04.03.2021.

Learned counsel for respondent No.2-complainant states that since the matter has been compromised between the parties, he has no objection in case the FIR in question is quashed qua the petitioners.

I have heard learned counsel for the parties.

Though usually this Court has adopted the practice of referring the parties to appear before the Illaqa Magistrate/trial Court so as to get their statements recorded in support of the compromise, but in view of COVID-19 pandemic, it is not feasible as the Courts are not working on regular basis. Therefore, considering the fact that the present is a matrimonial dispute between the parties and the counsel for respondent No.2-complainant has no objection in quashing of the FIR in question, this Court finds that there is no impediment in quashing of the FIR in question qua the petitioners. In fact, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

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 well as the law laid down in *Gold Quest International Private Limited's case (supra)*, the present petition is allowed and the FIR No.17 dated 06.02.2020 under Sections 323, 406, 498-A and 506 read with Section 34 IPC registered at Women Police Station, Panipat, District Panipat (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of settlement/agreement dated 16.03.2020 (Annexure P-2) effected between the petitioners and respondent No.2 at the Mediation and Conciliation Centre of this Court, however, however, subject to payment of total costs of Rs.15,000/- to the Government Multi Specialty Hospital (GMSH), Sector-16, Chandigarh, which shall be paid by the petitioners within a period of one month from today. This amount shall be utilized for the welfare of poor and needy patients suffering from COVID-19 pandemic under the supervision of concerned Medical Superintendent.

September 22, 2020

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No