

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-24560-2020

Date of Decision:26.08.2020

Udham Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Anil Kumar Garg, Advocate,
for the petitioners.

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.0055 dated 23.07.2019 under Sections 420, 406, 120-B, 506 IPC, registered at Police Station Jodhan, District Ludhiana Rural (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 16.07.2020(Annexure P-2).

Learned counsel for the petitioners submits that vide compromise dated 16.07.2020(Annexure P-2), the matter has been compromised between the parties. Accused-Veerpal Kaur(petitioner No.4), who is presently residing in Canada, has executed Special Power of Attorney in favuor of her father Udham Singh(petitioner No.1) and accordingly, she is being represented by petitioner No.1-Udham Singh. He further submits that in view of the compromise having been arrived at

between the parties, proceedings before the matrimonial court are invoked and are pending consideration. However, prayer in the present petition is confined to quashing of FIR, in question.

Notice of motion.

At this stage, Mr. Saurav Khurana, DAG, Punjab, accepts notice on behalf of the respondent-State, whereas Mr. Kushagra Mahajan, Advocate, accepts notice on behalf of respondent No.2-complainant and admits the very factum of compromise dated 16.07.2020.

Heard learned counsel for the parties.

In view of the fact that present is a matrimonial dispute between the parties and compromise dated 16.07.2020(Annexure P-2) has been effected between them and the proceedings before the matrimonial court are pending, this Court finds that there is no impediment so as to quash the FIR, in question, on the basis of compromise.

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 FIR No.0055 dated 23.07.2019 under Sections 420, 406, 120-B, 506 IPC, registered at Police Station Jodhan, District Ludhiana Rural(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 16.07.2020(Annexure P-2), subject to payment of costs of ₹25,000/- to be deposited by the petitioners with the Deputy Commissioner, Sangrur and in order to meet COVID-19 pandemic situation, the said amount deposited by the petitioners shall be utilized for arranging sanitizers and masks etc.

August 26, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No