

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27420-2020

Date of Decision: 11.09.2020.

Satinderpal Singh

...Petitioner

V/S

State of Punjab and another

...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Ankur Bansal, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Notice of motion.
3. Mr. Saurav Khurana, DAG, Punjab, accepts notice on behalf of respondent No.1, while Mr. Samandeep Singh Tinna, Advocate, puts in appearance on behalf of respondent No.2.
4. Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.230 dated 15.12.2018, registered under Sections 406, 498-A Indian Penal Code, 1860, at Police Station Phase-I, SAS Nagar (Mohali) as well as all subsequent proceedings arising therefrom on the basis of compromise, Annexure P/3 dated 23.06.2020.
5. Learned counsel contends that litigation cropped up between the petitioner and respondent No.2 on account of matrimonial discord, whereupon respondent No.2, got registered the aforementioned FIR against the petitioner but now with the intervention of respectable members of

society, the matter has been amicably settled between the petitioner and respondent No.2, in terms of compromise Annexure P/3 dated 23.06.2020. Learned counsel further states that at the time of registration of the FIR, the petitioner was in Australia and the compromise has been executed and the petition under Section 482 of Cr.P.C. filed by the petitioner through his father, as Special Power of Attorney in view of the decision of the Division Bench of this Court in **CRM-M-6890-2013**, titled as **Mangal Das Gautam and another vs. State of Haryana and another**, dated 01.06.2018. Learned counsel further contends that as per the compromise, Annexure P/3 dated 23.06.2020, the petitioner shall pay a sum of Rs.32 Lakhs to respondent No.2 towards full and final settlement towards all her claims of *Istridhan* and maintenance i.e. past, present and future and after receipt of said amount, respondent No.2 shall have no claim whatsoever against the petitioner and his family members. Learned counsel contends that out of Rs.32 Lakh, Rs.10 Lakh has already been paid by the petitioner at the time of making of first motion statement before the learned District Judge, at Mohali in the petition under Section 13-B of Hindu Marriage Act and that the petitioner shall pay further Rs.10 Lakh to respondent No.2 before the learned District Judge, at Mohali in the petition under Section 13-B of Hindu Marriage Act within such time as is granted by this Court and balance Rs.12 Lakh at the time of making final statement in the divorce proceedings.

6. Learned DAG, Punjab, on instructions from ASI Pal Chand, informs the Court that there is no other case against the petitioner,

besides no P.O. proceedings are pending and that challan has also not been

presented till date. Learned DAG, Punjab as well as learned counsel appearing on behalf of respondent No.2 state that they have no objection if the aforementioned FIR as well as all subsequent proceedings arising therefrom, are quashed, on the basis of compromise, Annexure P/3 dated 22.06.2020 and the balance payment made to respondent No. 2 in the manner aforesaid.

7. Accordingly, in view of the circumstances prevailing, on account of Corona Virus Pandemic, as also the fact that the matter has been compromised between the parties vide compromise Annexure P/3 dated 22.06.2020 and the parties have decided to get the FIR quashed, there is no impediment in the way of this Court to exercise its inherent powers under Section 482 Cr.P.C. for quashing of the FIR and all consequential proceedings in respect thereto in the interest of justice.

8. Consequently, in view of the decision of Hon'ble the Supreme Court in 'Madan Mohan Abbot versus State of Punjab', 2008(2) RCR (Crl.) 429 as also of this Court in Kulwinder Singh and others vs. State of Punjab and another 2007 (3) RCR (Criminal) 1052, no useful purpose would be served by prolonging the litigation.

9. Accordingly, in the light of the position as noted above, FIR No.230 dated 15.12.2018, registered under Sections 406, 498-A of Indian Penal Code, 1860, at Police Station Phase-I, SAS Nagar (Mohali) as well as all subsequent proceedings arising therefrom, are quashed, on the basis of compromise, Annexure P/3 dated 22.06.2020, qua the petitioner subject to the petitioner making further payment of Rs. 10 lakhs to respondent No. 2

from today and another sum of Rs.12 Lakhs to respondent No.2 before the learned District Judge, at Mohali in the petition under Section 13-B of Hindu Marriage Act at the time of her making the final statement in the divorce proceedings.

10. Petition stands ***disposed of*** in the aforementioned terms.

(B.S. Walia)
Judge

September 11, 2020
'Rajesh-Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>