

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

CRM-M-36931 of 2019.

Decided on:- January 17, 2020.

Mandeep Singh Saini.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Davinder Singh, Advocate for
Mr. Aayush Gupta, Advocate for the petitioner.

Ms. Ruchika Sabharwal, A.A.G., Punjab.

None for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.70 dated 04.03.2019 under Sections 406 and 498-A IPC registered at Police Station Women, District Police Commissionerate, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement/agreement dated 26.08.2019 (Annexure P-2) arrived at the Mediation and Conciliation Centre of this Court.

This Court vide order dated September 03, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties had appeared before learned Judicial Magistrate 1st Class, Ludhiana and got their statements recorded on 14.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 24.10.2019 to the

effect that the parties have compromised the matter out of their free will, voluntarily, without any sort of pressure, coercion and fear.

The FIR in question has been recorded on the basis of statement of respondent No.3-complainant Santosh Kumar, who is father of respondent No.2 Shakshi. Though no one has put in appearance on behalf of respondents No.2 and 3, but it would not cause any prejudice to them as they have already made a joint statement before learned Magistrate in support of compromise on 14.10.2019, which reads as under:

“Stated that we got lodged FIR No.70 dated 04.03.2019 U/s 406 & 498-A of the IPC, P.S. Women, Ludhiana, against the accused namely Mandeep Singh Saini aged about 30 years S/o Parminder Singh, R/o # 1326, St. no.12, Mohalla Shaheed Karnail Singh Nagar, Phase-II, Pakhowal Road, Ludhiana. Now, we have entered into compromise with the accused out of our free will and without any sort of pressure and fear. The petition U/s 13-B of HMA is pending in the court of Sh. R.K. Sharma, Ld. Additional Principal Judge, Family Court, Ludhiana, for 06.04.2020 for recording second motion statement in which the remaining amount of Rs.5,00,000/- will be given by Mandeep Singh Saini to complainant Shakshi. As such, we do not want to pursue with the present FIR against the accused as the matter has been compromised. We have no objection, if the aforesaid FIR is quashed against the accused. Accordingly, we will not initiate any legal proceedings regarding the said FIR against the accused. I have received an amount of Rs.2,00,000/- from petitioner/accused as directed by the Hon’ble Punjab and Haryana High Court today in the court. Today we have brought our Aadhar card as proof of our identities and the photocopies of same are Ex.PA and Ex.PB, respectively.”

Learned counsel for the petitioner states that apart from the fact that the matter has been compromised between the parties, the joint petition has already been filed by the petitioner and respondent No.2 under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by way of mutual consent, which is pending before the family Court, Ludhiana for recording second motion statement on 06.04.2020. As per the settlement/agreement (Annexure P-2), the petitioner was required to pay a total sum of Rs.10 lakh to the respondent No.2 and out of this amount, a sum of Rs.5 lakh has already been paid and the remaining amount of Rs.5 lakh will be paid by the petitioner to respondent No.2 at the time of recording second motion statement in petition under Section 13-B of the Hindu Marriage Act, 1955.

Learned State counsel has not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner 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.70 dated 04.03.2019 under Sections 406 and 498-A IPC registered at Police Station Women, District Police Commissionerate, Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of settlement/agreement dated 26.08.2019 (Annexure P-2) arrived at the Mediation and Conciliation Centre of this Court, however, subject to payment of Rs.10,000/- as costs to be deposited by the petitioner with the Bar Association of this Court within a period of one month from today with a further condition that the petitioner would pay the complete agreed amount to respondent No.2 at the time of second motion statement in the petition under Section 13-B of the Hindu Marriage Act, 1955.

It is made clear that the petitioner and respondent No.2 shall be bound by the terms and conditions of the settlement/agreement dated 26.08.2019 (Annexure P-2) arrived at the Mediation and Conciliation Centre of this Court.

January 17, 2020

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No