

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

CRM-M-36985 of 2019.

Decided on:- January 17, 2020.

Nirmal Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. B.D. Sharma, Advocate
for the petitioners.

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

Mr. Veneet Sharma, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.80 dated 14.12.2018 under Sections 406 and 498-A IPC registered at Police Station Women, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.07.2019 (Annexure P-2).

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, Amritsar 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 18.10.2019 to the effect that the compromise effected between the accused and complainant is without any pressure, coercion, threat or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Ramanpreet Kaur. She has already made a statement before learned Magistrate in support of compromise on 14.10.2019, which reads as under:

“An FIR no.80 dt. 14.12.2018 u/s 406, 498-A IPC, PS Women has been registered against the accused Nirmal Singh, Ranbir Singh, Rajbir Singh on my statement.

Now I have effected a compromise, the photocopy of which is Ex.C1 which bears my signature and I have no objection if above said FIR is quashed by the Hon’ble Punjab and Haryana High Court. The compromise has been entered voluntarily, without any pressure, coercion or undue influence. I identify my signatures upon the compromise Ex.C1 at point A.”

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, the joint petition has already been filed by petitioner No.3 Rajbir Singh and respondent No.2 Ramanpreet Kaur under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by way of mutual consent, which is pending before the family Court, Amritsar for recording second motion statement on 04.04.2020. As per the compromise, the petitioner No.3 was required to pay a total sum of Rs.7 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.2 lakh will be paid at the

time of recording second motion statement in petition under Section 13-B of the Hindu Marriage Act, 1955.

Learned counsel for respondent No.2-complainant has not disputed the factum of compromise between the parties and receipt of Rs.5 lakh by the respondent No.2.

Learned State counsel has also 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 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.80 dated 14.12.2018 under Sections 406 and 498-A IPC registered at

Police Station Women, District Amritsar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 29.07.2019 (Annexure P-2), however, subject to payment of Rs.10,000/- as costs to be deposited by the petitioners with the Bar Association of this Court within a period of one month from today with a further condition that the petitioner No.3 Rajbir Singh would pay the remaining agreed amount of Rs.2 lakh to respondent No.2 at the time of second motion statement in the petition under Section 13-B of the Hindu Marriage Act, 1955.

January 17, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No