

261.

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

CRM-M-38459-2019

Date of decision: 29.01.2020

**BALWINDER SINGH THROUGH HIS POWER OF ATTORNEY AND
ANOTHER**

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab,
for respondent No.1.

Ms. Sheenam Kamboj, Advocate, for
Mr. Amit Rana, 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 F.I.R. No.13 dated 02.02.2019 registered under Sections 498-A, 406 of IPC at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.06.2019/29.08.2019 (Annexure P-2).

This Court vide order dated 10.09.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Mukerian and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.11.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any coercion or pressure.

Respondent No.2-complainant, namely, Kajal has made her statement with regard to compromise before learned Magistrate on 29.10.2019. The same is reproduced as under:-

“That with the intervention of the respectables of the area, I have entered into a compromise (P-2) with the accused party, which is genuine compromise and effected voluntarily, without any coercion or undue influence in order to establish peace and harmony with the intervention of respectables. Petition under Section 482 Cr.P.C. was filed by accused party which is pending in the Hon'ble Punjab and Haryana High Court for quashing of FIR No.13 dt. 02.02.2019 u/s 498A, 406 IPC registered at PS Mukerian. I have effected the compromise with the accused party voluntarily and without any pressure. The compromise effected between us is genuine. Copy of compromise is Ex.PX (containing 8 pages). There are two persons namely Balwinder Singh and Mamta Devi arrayed as accused in said FIR. No person was declared as proclaimed offender in this case. The stage of Trial/proceedings is for awaiting challan. I have made this statement today in the Court voluntarily and without any coercion or undue influence. I have no objection if the FIR No.13 dt. 02.02.2019 u/s 498A, 406 IPC registered at PS Mukerian, be quashed against accused party.”

Learned counsel for the petitioners states that the matter has been compromised between the parties and a joint petition under Section 13-B of Hindu Marriage Act has been filed wherein statement at the first motion stage has already been recorded and the case is fixed for second motion statement on 28.05.2020.

Learned counsel appearing on behalf of respondent No.2 does not dispute the factum of compromise between the parties.

Learned State counsel states that the matter is under investigation.

In view of above, it being a matrimonial dispute and the matter having been compromised between the parties, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

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 also in the light of ***Gold Quest International Private***

Limited's case (*supra*), this petition is allowed and F.I.R. No.13 dated 02.02.2019 registered under Sections 498-A, 406 of IPC at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 01.06.2019/29.08.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

29.01.2020

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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No