

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

263

CRM-M-40094-2019

Date of Decision:30.01.2020

Balwinder Kumar @ Balwinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Ms. Rajni Maurya, Advocate for
Mr. Naveen Batra, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

None 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.131 dated 24.12.2016 under Section 498-A IPC, registered at Police Station Nurpur Bedi, District Rupnagar(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 13.08.2018/07.09.2019(Annexure P-2).

This Court vide order dated 19.09.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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 Judicial Magistrate 1st Class, Sri Anandpur Sahib and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 14.11.2019 to the effect that the parties have entered into compromise voluntarily, without any undue influence, pressure and coercion from any side and the same is genuine.

Though no one is present on behalf of complainant-respondent No.2-Paramjit Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 31.10.2019. The same is reproduced as under:-

“Stated that I have compromised the matter with the accused with my own free will and on the basis of our compromise with the help of family members and respectable of locality, now I am residing with the accused Balwinder Kumar at my matrimonial house at village Ballewal, Tehsil Anandpur Sahib, District Rupnagar along with my children. The previous litigation which was instituted by me against my husband/accused Balwinder Kumar has already been withdrawn by me pertaining to Section 125 Cr.P.C. and now I have no grudge against the accused as he with his own will and desire accepted me as wife and know we both are cohabited at matrimonial home as husband and wife. The previous ex parte divorce decreed which was obtained by my husband against me is amicably settled between us and now my husband accepted me as wife. While wave out the result of ex parte divorce decreed against me in view of our compromise. The compromise dated 13.08.2018 is Ex.C1 which bears our signatures and the same has been executed between us with our own free will and desire. I have no objection if the FIR no.131 dated 24.12.2006 under Section 498-A IPC registered at PS Nurpur Bedi and subsequent proceedings of the same are quashed.”

Perusal of the statements shows that earlier *ex parte* decree of divorce has been passed in favour of the petitioner.

Learned counsel for the petitioner states that the parties are

staying together as husband and wife.

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

In view of the fact that the parties are staying together as husband and wife, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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.131 dated 24.12.2016 under Section 498-A IPC, registered at Police Station Nurpur Bedi, District Rupnagar(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 13.08.2018/07.09.2019(Annexure P-2).

January 30, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No