

267.

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

CRM-M-41323-2019

Date of decision: 29.01.2020

RAN SINGH AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Inderjeet Singh, Advocate,
for the petitioners.

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

Ms. Ritu Punj, 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.2 dated 23.01.2019 registered under Sections 498-A, 420 of IPC at Police Station NRI, District Ludhiana Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement agreement dated 29.08.2019 arrived at between the parties before the Mediation and Conciliation Centre of this Court (Annexure P-2).

This Court vide order dated 25.09.2019 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 Judicial Magistrate Ist Class, Jagraon and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 27.11.2019 to the effect that the compromise is genuine and has been effected between the parties without any coercion and pressure.

Respondent No.2-complainant, namely, Sukhwinder Kaur has made her statement with regard to compromise before learned Magistrate on 15.11.2019. The same is reproduced as under:-

“Stated that an FIR no.002 dated 23.01.2019 was registered at PS NRI, Jagraon against the accused Ran Singh, Shweta Chawla, Suresh Kumar Chawla, Gian Kaur are aggrieved persons of the above said FIR. With the intervention of the respectables, I have compromised the matter with the accused persons voluntarily without any pressure or any threat. Accused have preferred quashing petition before the Hon'ble Punjab and Haryana High Court. The compromise is genuine. Copy of the settlement agreement is Ex.P1. I have no objection if the case FIR and other consequential proceedings against the accused persons may be quashed.”

Learned counsel for the petitioners has referred to the settlement agreement dated 29.08.2019 entered between the parties before the Mediation and Conciliation Centre of this Court. He draws attention of this Court to the terms of compromise more specifically para 8 (e) to contend that petitioner No.5, who is the husband of respondent No.2, will file petition for quashing of FIR registered qua their matrimonial dispute and the same will not be opposed by the respondent-complainant. They further

agreed that they will not file or register any proceedings, suit or FIR in future qua the present matrimonial dispute after the execution of present settlement.

Learned counsel for respondent No.2 has not disputed the factum of compromise between the parties. She states that though the statement of the complainant has been recorded but inadvertently in the statement of the complainant, the name of petitioner No.5-Gurnam Singh, who is the husband of the complainant, could not be specifically mentioned. However, she states that in view of compromise dated 29.08.2019, the complainant has no objection in case the present FIR is quashed. The statement of petitioner No.5-Gurnam Singh was required to be recorded but as he has given power of attorney in favour of his father petitioner No.1-Ran Singh, the statement of petitioner No.1 has been recorded on behalf of petitioner No.5.

Learned State counsel states that the matter is under investigation.

In view of above, it being a matrimonial dispute and having been compromised between the parties, no useful purpose would be served by keeping the proceedings alive 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.2 dated 23.01.2019 registered under Sections 498-A, 420 of IPC at Police Station NRI District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement agreement dated 29.08.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.30,000/- 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

sanjeev

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