

249.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50872-2019

Date of decision: 13.01.2020

NAVDEEP SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Arveen Kaur Sekhon, Advocate, for
Mr. Dilpreet Singh Gandhi, Advocate,
for the petitioner.

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

Mr. Vishva Bahl, 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.84 dated 17.10.2015 registered under Sections 406, 498-A of IPC at Police Station Women Cell, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/a petition filed under Section 13-B of Hindu Marriage Act (Annexure P-2).

Vakalatnama filed on behalf of respondent No.2 in court today, is taken on record.

This Court vide order dated 02.12.2019 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, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.01.2020 to the effect that the parties have arrived at compromise without any undue influence or pressure.

Respondent No.2-complainant, namely, Sukhpreet Kaur has made her statement with regard to compromise before learned Magistrate on 16.12.2019. The same is reproduced as under:-

“Stated that the FIR No.84 dated 17.10.2015 under sections 406, 498 A of IPC, was got registered by me at Police Station Women District Amritsar. A compromise has been effected between me and accused namely Navdeep Singh with the intervention of respectables for the betterment of the parties and to end the future enmity/conflict between the parties and this compromise is arrived at between the parties with our free will and free consent. The compromise is genuine, voluntary and without any coercion or undue influence. I have no objection if the present FIR and subsequent proceedings on the basis of this FIR are quashed.”

Learned counsel for respondent No.2 have not disputed the factum of compromise between the parties. However, she submits that in terms of settlement/compromise, the petitioner is required to pay a sum of Rs.10 lacs. Whereas an amount of Rs.5 lacs by way of bank demand draft

No.325479 dated 22.07.2019 has been received by the complainant and the petitioner has to pay the remaining amount of Rs.5 lacs at the time of final motion statement. The case is fixed before the matrimonial court under Section 13-B of Hindu Marriage Act for 23.03.2020. She refers to the statement of the parties recorded before the trial Court on 24.07.2019 which clearly shows that as against the agreed amount of Rs.10 lacs, the petitioner has paid a sum of Rs.5 lacs by way of bank draft dated 22.07.2019 and the remaining amount has to be paid at the time of final motion statement.

I have heard counsel for the parties.

Considering the fact that the matter has amicably been settled between the parties and in proceedings under Section 13-B of Hindu Marriage Act, the parties have suffered a joint statement which has duly been signed by them and the petitioner is required to pay a sum of Rs.5 lacs at the time when final statement is to be recorded, 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.84 dated 17.10.2015 registered under Sections 406, 498-A of IPC at Police Station Women Cell, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/a petition filed under Section 13-B of Hindu Marriage Act (Annexure P-2), however, that would be subject to payment of remaining amount of Rs.5 lacs at the time of second motion statement.

However, in the event of non-payment of the remaining amount of Rs.5 lacs at the second motion stage, the present petition shall deem to have been dismissed on the basis of compromise, though the parties may have a right to file a separate petition on merits.

(HARI PAL VERMA)
JUDGE

13.01.2020

sanjeev

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