

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

CRM-M-34222 of 2018 (O&M)

Date of Decision: 27.02.2020

Kuldip Singh Birl

.... Petitioner

Versus

State of Punjab and another.

..... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.Varlin Garg, Advocate for the petitioner.
Mr.Sidakmeet Singh Sandhu, Asstt.A.G., Punjab.
Mr.Navin Saini, Advocate for respondent No.2.

JAISHREE THAKUR, J.(ORAL)

1. This is the petition that has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.14 dated 03.12.2014 under Section 406, 420, 498-A, 34 IPC registered at Police Station NRI, SAS Nagar, District SAS Nagar, Mohali, on the basis of compromise.

2. Learned counsel for the petitioner would herein contend that initially a compromise deed had been affected between the parties which is dated 25.07.2018. However, the said compromise could not be put into effect and ultimately, the matter was settled between the parties by another settlement agreement entered into before the Mediation and Conciliation Centre of Punjab and Haryana High Court dated 16.12.2019. By virtue of the said settlement, the parties to the matrimonial dispute, namely Kuldip Singh Birl and Anant Birl @ Anant Gill decided to part ways and obtain the decree of divorce. The two children born out of the wedlock on 15.10.2005 and 17.11.2007 would remain in the custody of their mother namely Anant Birl @ Anant Gill. The father/petitioner herein has been allowed visitation rights. Apart from the custody and

CRM-M-34222 of 2018 (O&M)

visitation rights, the parties have also agreed to withdraw all litigations pending inter se each other, besides filing a joint petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage on mutual consent. Counsel for the petitioner also points out that pursuant to the compromise having been arrived at decree of divorce has already been obtained from the Family Court at Mohali dated 18.02.2020. All monetary transactions between the parties already stand settled.

3. Counsel for the petitioner states that proceedings in Canada also stand dropped based on the compromise arrived at between the parties here in.

4. Appearance has been caused on behalf of the respondent complainant who admits to the factum of the compromise while also admitting that all proceeding inter se the parties have been settled in terms of the compromise arrived at and also confirmed the fact that the decree of divorce has also been obtained.

5. In normal course, this Court would have relegated the parties to put in appearance before the trial Court again to have their statements recorded regarding the genuineness of the compromise, but keeping in view the fact that the father of the complainant states who is present in Court, as identified by the counsel for the complainant that matter have already been settled, the normal procedure of having their statements recorded before the trial Court is hereby waived.

CRM-M-34222 of 2018 (O&M)

6. The petition is accordingly allowed. FIR No.14 dated 03.12.2014 and all the consequential proceedings arising therefrom are quashed on the basis of compromise. Parties shall be bound to adhere to the settlement/ compromise arrived at between the parties.

(JAISHREE THAKUR)
JUDGE

27.02.2020
raman

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