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

CRM-M-24415-2019

Date of Decision: 25.01.2021

Parminder Singh through his attorney Smt. Manjit Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA

**Present: Mr. Vidit Bansal, Advocate,
for the petitioner.**

**Mr. Bhupender Beniwal, AAG Punjab,
for respondent No.1.**

None for respondent No.2.

HARI PAL VERMA , J.(Oral)

The matter has been taken up for hearing through Video Conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.22 dated 31.01.2019 under Sections 406, 498-A IPC, registered at Police Station Women, District Ludhiana City (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise/settlement (Annexure P-2).

The present is a matrimonial dispute between the petitioner-

Parminder Singh and respondent No.2-Ramanjot Kaur.

Counsel for the petitioner submits that the matter has been compromised between the parties and decree of divorce has been granted by Principal Judge, Family Court, Ludhiana on 04.04.2019 in proceedings under Section 13-B of the Hindu Marriage Act.

Vide order dated 27.05.2019, parties were directed to appear before the Illaga Magistrate/trial Court for recording their statements, however, the parties could not appear. Again vide order dated 20.09.2019 and 01.12.2021, another opportunity was granted to the parties to get their statements recorded.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Ramanjot Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 24.12.2020. The same is reproduced as under:-

“Stated that I got lodged FIR No.22 dated 31.01.2019 u/s 406 and 498-A of the IPC, P.S.Women, Ludhiana against the accused namely Parminder Singh aged about 29 years s/o Navjot Vir Singh, R/o House No.B-33-310/1, Laksmi Puri, Salem Tabri, Tehsil and District Ludhiana at present R/o of FRAU/HERR Mentzel Gropturning 37, 22309 Hamburg, Germany. Now, I have entered into compromise with the accused out of my free Will and without any sort of pressure and fear. The petition u/s 13-B of HMA has been decided by the Ld.court of Sh.Kuldip Kumar Kareer, Ld.Principal Judge, Family Court, Ludhiana on 04.04.2019. Now, I do not want to pursue with the present FIR against the accused as the matter has been compromised. I have no objection, if the aforesaid FIR is quashed. Accordingly, I will not initiate any legal proceedings regarding the said FIR against the accused. I will not take any action or will not file any complaint or case against the accused or his family members.

Today I have brought my Aadhar Card as proof of my identity and the photocopy of same is Ex.PA.”

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

Since the report dated 24.12.2020 has been received from learned Judicial Magistrate Ist Class, Ludhiana wherein it has been reported that the parties have compromised the matter, this Court does not find any impediment in quashing the 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 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. FIR No.22 dated 31.01.2019 under Sections 406, 498-A IPC, registered at Police Station Women, District Ludhiana City (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of the compromise/settlement (Annexure P-2), subject to payment of

costs of ₹15,000/- to be paid by the petitioner, with the Bar Association of Punjab and Haryana High Court, Chandigarh, within a period of one month from today.

(HARI PAL VERMA)
JUDGE

25.01.2021

Meenu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No