

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

CRM-M-31463 of 2020.

Decided on:- March 09, 2021.

Vikramjit Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Sudhir Nar, Advocate
for the petitioners.

Mr. Manreet Singh Nagra, A.A.G., Punjab.

Mr. Ravi Gakhar, Advocate
for respondent No.2-complainant.

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.229 dated 24.11.2015 under Section 498-A IPC registered at Police Station City Kharar, District Mohali (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed/family statement dated 15.03.2020 (Annexure P-2).

Learned counsel for the petitioners submits that petitioner No.1 Vikramjit Singh is the husband of respondent No.2-complainant Kiranjeet

Kaur. They have been living together happily since 27.12.2015 along with two daughters born on 24.07.2017 and 28.03.2020 respectively.

Though there was no order for presence of the parties, however, the parties are present in person through video conferencing and they have duly been identified by their respective counsels. Petitioner No.1 Vikramjit Singh has been identified by Mr. Sudhir Nar, Advocate, whereas respondent No.2-complainant Kiranjeet Kaur has been identified by Mr. Ravi Gakhar, Advocate.

Mr. Ravi Gakhar, Advocate, on instructions from respondent No.2, who is present in person along with a small daughter in her lap, submits that the parties are staying together and the respondent No.2-complainant has no objection in case the FIR in question is quashed qua the petitioners. Moreover, in case the FIR is quashed, it will create peace, harmony and confidence in the family, which is otherwise staying happily.

Learned State counsel has no objection in case the FIR is quashed qua the petitioners on the basis of compromise so arrived between the parties.

I have heard learned counsel for the parties.

Though usually this Court has adopted the practice of referring the parties to appear before the Illaqa Magistrate/trial Court so as to get their statements recorded in support of the compromise, but it being an exceptional case, where the parties are staying together happily and they are blessed with two daughters, this Court, in the interest of justice, without referring the parties to the trial Court/Illaqa Magistrate, take note of the compromise deed/family settlement dated 15.03.2020 (Annexure P-2) which has duly been

admitted by learned counsel for the petitioners and respondent No.2, of course on instructions of their respective parties. Therefore, this Court finds that there is no impediment in quashing of the FIR in question qua the petitioners. In fact, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

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 well as the law laid down in ***Gold Quest International Private Limited's case (supra)***, the present petition is allowed and the FIR No.229 dated 24.11.2015 under Section 498-A IPC registered at Police Station City Kharar, District Mohali (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed/family statement dated 15.03.2020 (Annexure P-2).

Learned counsel for respondent No.2-complainant has further submitted that though he has supplied the copy of his power of

attorney/Vakalatnama on *WhatsApp* group, but he be permitted to file original of the same with the Registry within a week from today.

Ordered accordingly.

March 09, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No