

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-38384-2020

Date of Decision:02.02.2021

Baljeet Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: None.

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.45 dated 22.06.2019 under Sections 498-A, 406 IPC, registered at Police Station Mulepur, District Fatehgarh Sahib (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the settlement/agreement dated 10.12.2019 (Annexure P-2).

This Court vide order dated November 24, 2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Fatehgarh Sahib and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 22.12.2020 to the effect that the

compromise has been arrived between the parties voluntarily, with their own free will and without any fear or pressure.

Though no one is present on behalf of respondent No.2-complainant Ramandeep Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 09.12.2020. The same is reproduced as under:-

“Stated that I have compromised the matter in FIR No.45 dated 22.06.2019 under Section 406, 498-A IPC, PS Mulepur with the accused Baljeet Singh and Balbir Kaur. The divorce petition is pending for final decision in Lok Adalat held on 12.12.2020. I have seen the compromise dated 10.12.2019 and the copy of the same is Ex.CX. I also identify my signatures upon the same. I have received the balance payment of Rs.5,00,000/- as per compromise Ex.CX in the shape of demand draft bearing no.276681 dated 01.12.2020 of State Bank of India and the photocopy of the same is Ex.CY. Nothing is due of mine towards the accused. The compromise has been reached between us voluntarily, with our free will and consent and without any pressure or fear. I do not want to pursue with the present FIR further. I have no objection if the FIR is quashed and the accused stand acquitted. The above statement has been made by me voluntarily and without any pressure or fear.”

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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 and FIR No.45 dated 22.06.2019 under Sections 498-A, 406 IPC, registered at Police Station Mulepur, District Fatehgarh Sahib (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of settlement/agreement dated 10.12.2019 (Annexure P-2), however, subject to payment of costs of ₹10,000/- to be deposited by the petitioners, within a period of one month from today with the Bar Association of this Court.

This Court is informed that the lawyers have decided to abstain from work today. Therefore, the present order is being passed in their absence. However, in case, either party finds that any prejudice has been caused to them, they shall be at liberty to seek revival of the present petition.

February 02, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No