

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

1. Crl. Misc. No. M- 26378 of 2015 (O&M)

Ajay Gupta & ors.Petitioners

versus

State of Punjab and ors. ...Respondents

2. Crl. Misc. No. M- 8422 of 2016 (O&M)

Himanshu GoelPetitioners

versus

State of Punjab and anr. ...Respondents

Date of decision : 22.08.2017

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sudershan Goel, Advocate and Ms. Rupinder Kaur
for the petitioner in CRM-M-26378-2015

Mr. Sourabh Goel, Advocate
for the petitioner in CRM-M-8422-2016

Mr. D.K. Mittal, DAG, Punjab

Mr. P.L. Singla, Advocate
for respondent No. 2 in both cases

RITU BAHRI, J. (Oral)

This order shall dispose of the above two petitions as common question of law and facts are involved in these petitions wherein prayer is for quashing of F.I.R No. 51 dated 23.03.2015, under Sections 323/406/498-A IPC, registered at Police Station Zirakpur, District S.A.S Nagar, Mohali.

Initially this Court vide order dated 19.06.2015 in CRM-M-

20175-2015 passed the following order:-

“The petition has been filed by the petitioner seeking for anticipatory bail in case FIR No.51 dated 23.03.2015 under Sections 323, 406, 498-A IPC registered at Police Station, Zirakpur.

There is a matrimonial dispute between the petitioner's son and his wife resulting in a decree of divorce before the Court in Australia. The wife has lodged a complaint of dowry harassment and for retention of many of her jewellery. It appears that there had been a compromise for payment of about ` 27 lacs and return of car but there has been no fulfillment of the mutual obligations.

The 1st petitioner is reported to be a retired official and the 2nd petitioner is a home maker, who are aged 60 years and 54 years respectively. The petitioners would submit that they have joined the investigation but the daughter-in-law who lodged the complaint is not joining the investigation. She is not even coming to India. I am of the view that the matter would require appropriate investigation but the petitioners should be protected from being arrested and they will have the benefit of interim bail, having regard to their age and their availability for joining the investigation at all times.

Notice of motion.

At the asking of the Court, Mr. Ranbir Singh Pathania, DAG,Punjab accepts notice for the respondent and Mr. Saurabh Arora, Advocate files vakalatnama on behalf of 2nd respondent. The counsel for the petitioners shall supply a copy of complete paper book to the counsel appearing for the State and respondent No.2. Under the circumstances, in the event of arrest, the petitioners shall be released on bail subject to the following conditions:-

(i) that the petitioners will deposit Rs. 10 lacs to the credit of

the case before this Court within a week from today;

(ii) that the petitioners shall make themselves available for interrogation by a police officer as and when required;

(iii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iv) that the petitioners shall not leave India without the previous permission of the Court;

For reply by the State, adjourned to 28.07.2015.

Vide order dated 01.09.2015, the bail granted to the petitioners was made absolute. Thereafter, the applicant-petitioners filed an application i.e CRM-6713-2016 in CRM-M-20175-2015 for release of sum of Rs.10 lacs deposited by the petitioners, in compliance of the conditions laid down by this Court on 19.06.2015.

Subsequently, another application i.e CRM-7737-2017 in CRM-M-20175-2015 was filed on behalf of respondent No. 2 to pass an order of Rs.10,00,000/- deposited by the petitioners, in compliance of the conditions laid down by this Court on 19.06.2015.

Thereafter, on 19.07.2017 with the assistance of Mr. Swaran Sandhir, Mediator, the matter stands compromised between the parties, which has been reduced into writing, signed by Ajay Gupta, Manju Gupta, Mrs. Ritika Goel, Himanshu Goel (petitioners) on one side and Rajinder Pal Garg and Kamlesh Garg on the other side. The matter was settled at Rs.10,00,000/- which had already been deposited with Registry of this Court and this amount can be received by respondent Nos. 2 and 3.

Thus, now the above stated quashing petitions are pending

before this Court which are for quashing, as the matter stands compromised between the parties, vide compromise deed dated 19.07.2017.

Affidavit dated 04.08.2017 of Ms. Rashmi Garg has been filed in the Court today admitting the fact that the matter stands compromised between the parties and she has no objection if the F.I.R be quashed against the petitioners. The matter is settled at Rs.10,00,00/- in respect of maintenance past, present or future and this amount shall be full and final amount in the settlement of claim. Further it has been agreed that non of the party shall in any manner question the decree of divorce granted by Australian Court, which has already been acted upon by both the parties. Both the parties shall not raise any claim against each other in Australian Court also. Now the entire dispute between the parties shall stand settled and the parties are free to lead their life as per their own wishes. The compromise is without any pressure.

Further Rashmi Kay Garg has given special power of attorney, appointing her father Sh. Rajinder Pal Garg to do the following acts and deeds and actions with respect to my matrimonial dispute with Himanshu Goel and her previous in-laws family, which have been resolved amicably on 19.07.2017. The affidavit and special power of attorney dated 04.08.2017 of Rashmi Kay Garg are taken on record as Annexure A-1 and A-2.

Consequently, in view of the affidavit, special power of attorney dated 04.08.2017 of Rashmi Kay Garg and compromise deed dated 19.07.2017 06.04.2017 and in view of the judgment of the Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs. State of Punjab 2008(2)**

RCR (Criminal) 429 and the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another** **2007(3) RCR (Crl.) 1052**, as no useful purpose would be served in prolonging the litigation.

Accordingly, F.I.R No. 51 dated 23.03.2015, under Sections 323/406/498-A IPC, registered at Police Station Zirakpur, District S.A.S Nagar, Mohali, is quashed along with all consequential proceedings arising therefrom qua petitioners in both the petitions.

The petitions stand disposed of.

Further in view of settlement agreement dated 19.07.2017, Registry is directed to release Rs.10,00,000/- forthwith to Sh. Rajinder Pal Garg, deposited by the petitioners in compliance of order dated 19.06.2015.

In view of the detailed order passed in the present petition, CRM-6713-2016 and CRM-7737-2017 in CRM-M-20175-2015 stands infructuous.

22.08.2017
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>