

208.

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

CRM-M-776-2019 (O&M)

Date of decision: 29.10.2019

RAJNISH CHAUHAN

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab,
for respondent No.1.

Ms. Reshma Verma, Advocate,
for respondent No.2.

HARI PAL VERMA, J. (Oral)

CRM-9017-2019

Prayer in this application filed under Section 482 Cr.P.C. is to place on record copy of statements recorded in a petition filed under Section 13-B of Hindu Marriage Act as Annexure P-3.

For the reasons stated in the application, same is allowed and the document-Annexure P-3 is taken on record.

CRM-M-776-2019

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.14 dated 01.02.2018 registered under Sections 406, 498-A, 323 of IPC at Division No.2, Pathankot (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.11.2018 (Annexure P-2).

This Court vide order dated 10.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise, however, parties could not appear. Again vide order dated 14.05.2019, parties were afforded another opportunity to appear before the Illaqa Magistrate/trial Court to get their statements recorded.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Pathankot and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 20.07.2019 to the effect that the statements of the parties have been recorded voluntarily, without any coercion and undue influence.

Respondent No.2-complainant, namely, Nancy Arora has made her statement with regard to compromise before learned Magistrate on 27.05.2019. The same is reproduced as under:-

“That I had lodged FIR no.14 dated 01.02.2018, U/s 406, 498-A, 323 of IPC, PS Division No.2, Pathankot, against the accused Rajnish Chauhan. That I have compromised/settled the matter with the accused, subject to my receiving the remaining payment in proceedings under Section 13-B of Hindu Marriage Act. I have no objection if the FIR no.14 dated 01.02.2018, U/s 406, 498-A, 323 of IPC, PS Division No.2, Pathankot, is quashed. That I am the complainant in the said F.I.R. and today I am giving my statement out of my free will and consent, without any coercion and there is no pressure on me.”

Counsel for the petitioner states that since the matter has been compromised between the parties, resultantly, in a joint petition filed by the parties under Section 13-B of Hindu Marriage Act, decree of divorce has been granted.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant 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 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 also in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and F.I.R. No.14 dated 01.02.2018 registered under Sections 406, 498-A, 323 of IPC at Division No.2, Pathankot (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 27.11.2018 (Annexure P-2)), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Government Medical College and Hospital, Sector 32, Chandigarh, within one month from today. The

Superintendent concerned shall ensure that the amount so deposited by the petitioner is utilized for the welfare of poor patients only.

(HARI PAL VERMA)
JUDGE

29.10.2019
sanjeev

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