

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

277

CRM-M-2712-2019

Date of Decision:29.04.2019

Hany Vij and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. HPS Sandhu, Advocate,
for the petitioners.**

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

**Ms. Kashika Kaur, Advocate,
for respondent No.2.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.59 dated 02.06.2015 (Annexure P-1) under Sections 406, 498-A IPC, registered at Police Station Women Cell, Ludhiana and all the consequential proceedings arising therefrom on the basis of the compromise/statement dated 14.09.2018 made in the petition filed under Section 125 Cr.P.C.

Power of attorney filed on behalf of respondent No.2 today in the Court, is taken on record.

This Court vide order dated 21.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements

recorded and the learned Illaqa Magistrate/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, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.04.2019 to the effect that the compromise between the parties appears to have arrived voluntarily with their free consent and the same is genuine and without any coercion or undue influence.

Respondent No.2-complainant, namely, Meenal Nagpal, has made a statement with regard to compromise before learned Magistrate on 20.02.2019. The same is reproduced as under:-

“Stated that I am the complainant in the FIR No.59 dated 02.06.2015 under Section 406/498-A of IPC registered in the Police Station Women Cell, Ludhiana. On the basis of which the challan was filed by the police and the accused are facing the trial in Criminal Case No.CHI-462-2016 presently pending in the Court of Ms. Ankita Loomba, JMIC, Ludhiana. The said matter has been compromised between me and all the accused in the said case. The said compromise has been arrived at by the parties voluntarily with their free consent without any coercion and undue influence and the said compromise is genuine and all the parties to the compromise are supposed to adhere to the said compromise. As such, on the basis of compromise, I have no objection for quashing of the above-said FIR and other proceedings thereunder. And as such I have no objection in case the petition filed by the accused in the Hon'ble High Court vide CRM-M-2712-2019 is accepted. Under the compromise already a petition for divorce for mutual consent has been filed and now the said petition for second motion statement is fixed for 11.04.2019 and all the terms settled in the said petition are to be complied by both the parties. I have made this statement of my free consent without any pressure, coercion or undue influence.”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

Learned counsel on instructions from respondent No.2-Meenal Nagpal, who is present in the Court, submits that she has no objection if the present FIR registered against the accused is quashed. She further states that the petition filed under Section 13-B of the Hindu Marriage Act, 1955, has also been decided and a 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 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*** and also, in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and FIR No.59 dated 02.06.2015 (Annexure P-1) under Sections 406, 498-A IPC, registered at Police Station Women Cell, Ludhiana and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of the compromise/statement dated 14.09.2018 made in the petition

filed under Section 125 Cr.P.C., subject to payment of costs of ₹20,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

April 29, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No