

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

CRM-M-5226 of 2019.

Decided on:- May 29, 2019.

Sanchit Gupta and others

.....Petitioners.

Versus

State of U.T. Chandigarh and others

.....Respondents.

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

Present:- Mr. Vivek Kumar, Advocate
for the petitioners.

Mr. Gautam Dutt, A.P.P., U.T., Chandigarh.

Ms. Alka Sarin, Advocate
for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.49 dated 03.06.2017 under Sections 406, 420 and 498-A IPC registered at Women Police Station, Sector-17, Chandigarh (Annexure P-1) along with consequential proceedings under Section 174 Cr.PC, whereby the proceedings for declaring petitioners No.1 and 3 as proclaimed offenders were initiated, on the basis of compromise deed dated 25.01.2019 (Annexure P-4).

Though petitioners No.1 and 3 were declared proclaimed offenders, but considering the fact that the matter has been compromised

between the parties and the proceedings being matrimonial in nature, this Court, vide order dated 04.02.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners as well as respondent No.3-complainant, who is father of respondent No.2 Palak Jain have appeared before learned Judicial Magistrate 1st Class, Chandigarh and got their statements recorded on 05.03.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 08.03.2019 to the effect that the compromise is complete and appears to be good in the eyes of law.

The FIR in question has been recorded on the basis of statement of respondent No.3-complainant Anoop Kumar, who is father of respondent No.2 Palak Jain. He has made a statement before learned Magistrate in support of the compromise. His statement so recorded by learned Magistrate on 05.03.2019 reads as under:

“Stated that I got the above said FIR registered against my son-in-law Sanchit Gupta and his parents Satish Kumar Gupta and Meenu Gupta only. Now with the intervention of my relatives and respectable persons of the society, I have amicably settled the dispute with the above said accused persons as per compromise deed dated 25.01.2019 already exhibited as Ex.P1, in total sum of Rs.65,00,000/-, which has already been received by me on behalf of my daughter Palak Jain on 25.01.2019 in this Hon’ble Court and statement to that effect has already been

recorded on 25.01.2019. The contents of above said compromise may kindly be read as part and parcel to the present statement. This compromise is genuine, voluntary, out of free will and without any coercion or undue influence from any side. Now I have no grudge or complaint against the above noted accused persons. I have no objection if the present FIR is quashed as per the above said compromise Ex.P1. I undertake to abide by the terms and conditions of the compromise deed dated 25.01.2019 Ex.P1. I have no objection, if as per terms and conditions of compromise Ex.P1, the present FIR is quashed.”

Learned counsel for respondents No.2 and 3 has filed an affidavit of respondent No.2 Palak Jain in Court today, which is taken on record. In the said affidavit, respondent No.2 has admitted the factum of compromise arrived at between the parties. It has also been mentioned in the said affidavit that in furtherance of the compromise, an amount of Rs.65 lakh has been received by respondent No.2. The petitioner and respondent No.2 have jointly moved a petition under Section 13-B of the Hindu Marriage Act, 1955 to dissolve the marriage by mutual consent and their statements at second motion stage were recorded on 28.05.2019. Since the matter has been compromised, she has no objection to the quashing of the FIR. However, the parties be made to adhere to the terms and conditions of compromise deed dated 25.01.2019 (Annexure P-4).

Learned counsel for the petitioners states that the compromise deed dated 25.01.2019 (Annexure P-4) has been reduced into writing after due deliberations and the petitioners shall remain bound by its terms and conditions.

Learned State counsel, on instructions from SI Sarwan Ram, does not dispute the factum of compromise entered into between the parties.

In view of the above, 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.49 dated 03.06.2017 under Sections 406, 420 and 498-A IPC registered at Women Police Station, Sector-17, Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 25.01.2019 (Annexure P-4).

However, the parties shall remain bound by the terms and conditions of compromise deed dated 25.01.2019 (Annexure P-4) and either

party, who violates any term or condition of the compromise, shall be subjected to contempt petition.

May 29, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No