

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-9582 of 2019 (O&M)

Date of Decision: 29.04.2019

Raj Kumar Bharatendra Singh

...Petitioner(s)

Versus

Union Territory, Chandigarh & another

...Respondent(s)

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

Present:- Mr. Aashish Chopra, Advocate and
Ms. Niharika Sharma, Advocate
for the petitioner.

Ms. Ashima Mor, APP, UT, Chandigarh.

Mr. R.S. Narang, Advocate
for respondent no.2

HARI PAL VERMA, J. (Oral)

CRM-7298-2019:

The application is allowed as prayed for.

Criminal Misc. No.M-9582 of 2019:

Raj Kumar Bharatendra Singh-petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.143 dated 02.08.2014 under Section 406 and 498-A IPC registered at Police Station North, Chandigarh on the basis of compromise deed dated 19.12.2018 (Annexure P-2).

At the outset, learned counsel for the petitioner has argued that though initially the FIR was registered under Section 498A IPC, but thereafter, Sections 406, 497 and 120-B IPC were also added. However, during investigation, no offence under Section 497 and 120-B IPC was made out and challan was presented for offence under Sections 406 and 498-A IPC.

Learned counsel for the petitioner has further argued that since the matter has been compromised between the parties, continuation of proceedings in the aforesaid FIR will be nothing but an abuse of the process of law and no useful purpose would be served to keep the FIR alive.

This Court vide order 05.03.2019, while considering the prayer made by counsel for the petitioner, had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Judicial Magistrate Ist Class, Chandigarh and got their statements recorded in support of the compromise. Learned Magistrate has forwarded her report dated 18.04.2019 to the effect that the compromise has been effected between the parties with their free will, without any threat, coercion or undue influence from any corner. Statement of respondent no.2-complainant – Saloni Singh is reproduced as under:-

“The Case FIR bearing No.143 dated 02.08.2014 was registered on my complaint with PS Sector 3 Chandigarh for

offence u/s 406, 498-A IPC against Raj Kumar Bharatendra Singh and his mother Rani Anjali Devi. Now I have compromised the matter with the above said accused person. The photostat copy of the compromise deed is dated 19.12.2018 which bears my signature as well as signature of Raj Kumar Bharatendra Singh and the same is Ex.C1. The compromise has been executed between us without any pressure or coercion from any side and it is with our free will and the compromise is genuine and voluntary. I have no objection if the above said FIR is quashed, against the above said accused persons.

Similarly, statement of the petitioner-husband Raj Kumar Bharatendra Singh has also been recorded.

Mr. R.S. Narang, Advocate appearing on behalf of respondent no.2-complainant fairly states that the matter has been compromised between the parties and he has no objection in case the FIR in question is quashed on the basis of compromise. He has further submitted that even the marriage has been dissolved by way of mutual consent, pursuant to filing of divorce petition under Section 13-B of the Hindu Marriage Act.

Learned APP, on instructions from SI Sat Narain, submits that the police has conducted investigation and submitted challan for offence under Sections 406 and 498A IPC. He also does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise so arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Hon'ble Apex Court in **Gold Quest International Private Ltd.**

vs. 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.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303 and also in the light of judgment of the Apex Court in **Gold Quest International Private Ltd. vs. State of Tamil Nadu and others** (supra), this petition is allowed and FIR No.143 dated 02.08.2014 under Section 406 and 498-A IPC registered at P.S. North, Chandigarh is quashed *qua* the petitioner, on the basis of compromise deed dated 19.12.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.50,000/-, to be deposited with the Poor Patients Welfare Fund of the Post Graduate Institute of Medical education and Research (PGIMER), Chandigarh within a period of one month from today.

April 29, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No`