

CRM-M-10755-2019 (O&M)

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

**CRM-M-10755-2019 (O&M).
Decided on: May 22, 2019.**

Raj Kumar and others

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

*** * ***

**PRESENT Mr.Gurmeet Singh, Advocate,
for the petitioners.**

Mr.Jagmohan Ghumman, DAG, Punjab.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.002 dated 28.3.2017, under Section 498-A and 406 IPC, registered at Police Station NRI, District S.A.S.Nagar (**Annexure P-1**) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.1.2019 (**Annexure P-2**).

This Court vide order dated 8.3.2019 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send its

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report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate First Class, S.A.S. Nagar, Mohali, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 1.5.2019, to the effect that the parties appeared in the Court on 10.4.2019, and suffered statements regarding compromise effected between them. The learned Magistrate has further reported that there are three accused in the FIR and none of them has ever been declared a proclaimed offender and that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.5 - complainant, namely, Surinder Singh Khokhar as well as respondent No.4 Kirti Singh but no prejudice would be caused to them as they have already made their joint statement with regard to compromise before learned Magistrate on 10.4.2019. The same is reproduced as under:-

“Stated that upon my statement, an FIR No.2, dated 28.3.2017, under Sections 406 and 498-A IPC, was registered at Police Station, NRI, District S.A.S. Nagar, Mohali. A compromise has been effected with the accused. Compromise has been reduced into writing and photocopy of compromise is Ex.CX1. The compromise has been effected between us mutually without any kind of pressure, coercion or undue influence etc. The compromise is genuine. I have no objection in case the aforesaid FIR is quashed against accused persons on the

basis of compromise. Photocopy of Aadhar Card of Surinder Singh Khokhar is Ex.CX2. Photocopy of Aadhar Card of Kirti Singh is Ex.CX3.”

Apart from above, similarly joint statement has been made by petitioners Raj Kumar, Ankur Chauhan through his attorney Raj Kumar and Kanchan Bala, that the compromise has been effected between the parties voluntarily and without any kind of pressure or undue influence.

Learned counsel for the petitioners states that petitioner No.2 Ankur Chauhan is the husband of respondent No.4 Kirti Singh and he could not get leave as he is presently in New Zealand but since the complainant has come forward to depose in favour of the compromise and he referred to document Annexure P6, to substantiate his argument that Ankur Chauhan is currently employed at Countour Engineering Ltd in New Zealand. He personally is not able to get his statement recorded, however, the complainant has appeared and deposed in favour of the petitioners including Ankur Chauhan who is husband of respondent No.4 Kirti Singh.

Learned State counsel has not disputed the factum of compromise between the parties.

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

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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.002 dated 28.3.2017, under Section 498-A and 406 IPC, registered at Police Station NRI, District S.A.S.Nagar (**Annexure P-1**) and all subsequent proceedings arising therefrom are quashed on the basis of compromise (**Annexure P-2**) however, that would be subject to payment of costs of Rs.25,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

May 22, 2019.
raj arora

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No