

285.

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

CRM-M-9909-2019

Date of decision:23.05.2019

RAHUL BAGGA AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Kiran Kumar, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

Mr. Samrit Gill, Advocate,
for respondent No.3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.60 dated 07.10.2017 registered under Section 498-A of IPC at Police Station Women, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 10.01.2019 (Annexure P-2).

Power of attorney filed on behalf of respondent No.3 in court today, is taken on record.

This Court vide order dated 05.03.2019 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.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 11.04.2019 to the effect that the compromise is genuine and has been effected between the parties without any pressure or coercion.

No one has put in appearance on behalf of respondent No.2- Raman Rana at whose behest FIR was registered. The victim is Bharti Bagga i.e. respondent No.3 who is the daughter of respondent No.2 and wife of petitioner No.1-Rahul Bagga. She has made her statement with regard to compromise before learned Magistrate on 08.04.2019. The same is reproduced as under:-

“Stated that the matter has been compromised with the accused persons namely Rahul Bagga and Nikhil Bagga with the intervention of respectables of the society and has been effected voluntarily for ourselves. The accused have filed quashing petition CRM-M-No.9909 of 2019 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing present case FIR and the present proceedings. The copy of said compromise is Ex.C1 is genuine and arrived at with free consent and without any pressure, coercion, undue influence and inducement from any quarter. I have received today demand draft no.876932 dated 06.04.2019 for Rs.6 lacs drawn on Punjab & Sind Bank, New Delhi Babarpur Branch as a part of the compromise amount of Rs.12 lacs. Till now I have received Rs.9 lacs and the remaining amount of Rs.3 lacs shall be received by me at the time of making statement of second motion in the divorce petition to be filed under Section 13-B of HMA. I also undertake to appear before the Hon'ble High Court for quashing of said FIR, if required and also undertake

to withdraw petition filed before Hon'ble Supreme Court/High Court. I have no grudge or ill will against the accused persons. Present FIR may kindly be quashed against the accused persons in view of the said compromise. There are only two accused arrayed in the present FIR. There is no any other accused nor any of the accused is proclaimed person. I have also brought photocopy of my Aadhar card as my identity proof i.e. Ex.C2."

Learned State counsel as well as learned counsel for respondent No.2 have 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 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.60 dated 07.10.2017 registered under Section 498-A of IPC at Police Station Women,

are quashed qua the petitioners on the basis of compromise dated 10.01.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.20,000/- 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.

(HARI PAL VERMA)
JUDGE

23.05.2019
sanjeev

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