

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

(1) CRM-M-28369 of 2018 (O&M)
Decided on:- April 03, 2019.

Rishu Arora.
.....Petitioner.

Versus

State of Haryana and another
.....Respondents.

(2) CRM-M-28479 of 2018 (O&M)

Chiragh Arora.
.....Petitioner.

Versus

State of Haryana and another
.....Respondents.

(3) CRM-M-11907 of 2018.

Ashok Arora and another
.....Petitioners.

Versus

State of Haryana and another
.....Respondents.

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

Present:- Mr. B.K. Mehta, Advocate
for the petitioner(s) in CRM-M-28369 & 28479 of 2018.

Mr. C.M. Munjal, Advocate
for the petitioners in CRM-M-11907 of 2018.

Ms. Mahima Yashpal, A.A.G., Haryana.

Mr. Sukhvinder Singh Nara, Advocate
for respondent No.2-complainant in all the petitions.

HARI PAL VERMA, J. (Oral)

This order shall dispose of the aforementioned three petitions filed by the petitioners under Section 482 Cr.P.C. for quashing of the common FIR No.638 dated 02.12.2017 under Sections 323, 406, 498-A and 506 read with Section 34 IPC registered against them at Police Station Palam Vihar, Gurugram at the behest of respondent No.2-complainant Komal Arora. Petitioners Ashok Arora and Manju Arora are the parents-in-law, petitioner Rishu Arora is husband and petitioner Chiragh Arora is the brother-in-law of the complainant.

However, for convenience and clarity, the detailed order is being passed in the petition bearing No. ***CRM-M-28369 of 2018*** titled as ***Rishu Arora Versus State of Haryana and another.***

Vide order dated 15.10.2018, this Court had appointed Ms. Reeta Kohli, Senior Advocate as Mediator in the case and the matter was referred to the Mediation and Conciliation Centre of this Court for 23.10.2018.

Mr. B.K. Mehta, learned counsel appearing for the petitioners has submitted that pursuant to the aforesaid order, the parties had appeared before the Mediator and a settlement/compromise has been entered between the parties on 01.04.2019. Respondent No.2-complainant Komal Arora was represented through her father Satvinder Singh Walia who is holding her special power of attorney. The report has been received from the Mediator and the same is attached with ***CRM-M-38855 of 2018*** titled as ***Komal Walia***

Versus State of Haryana and others, which has been dismissed as withdrawn vide order of even date passed by this Court.

Learned counsel for petitioners Rishu Arora and Chiragh Arora further submits that as a consequence of the FIR registered against the petitioners, Look Out Circulars (LOC) have been issued against petitioners Rishu Arora and Chiragh Arora and as the matter having been compromised between the parties, the concerned authority be directed to recall the circulars.

Learned counsel for respondent No.2-complainant fairly admits the very factum of compromise between the parties and states that pursuant to the aforesaid settlement/compromise arrived at between the parties before the Mediator, the complainant has received the total agreed amount of Rs.65 lakh and he has no objection in case the FIR in question is quashed.

Similarly, learned State counsel, on instructions from ASI Dinesh, does not dispute the factum of compromise so arrived at between the parties and, therefore, had no serious objection in case FIR is quashed on the basis of settlement so arrived at between the parties.

Heard, counsel for the parties.

It is a conceded position of the fact that the matter has been compromised between the parties and a settlement/compromise dteed 01.04.2019 has been reduced into writing. The relevant clause No.6 of the settlement/compromise dated 01.04.2019 arrived at between the parties before the Mediator, which is attached with ***CRM-M-38855 of 2018*** titled as ***Komal Walia Versus State of Haryana and others*** reads as under:

“6. The following settlement has been arrived at between the parties:

- (i) The parties are Ashok Arora, Manju Arora, Rishu Arora and Chirag Arora from one side and Komal Singh Walia D/o Sh. Satwinder Singh Walia on the other side. Both the parties i.e. Rishu Arora and Komal Singh Walia have resolved their matrimonial dispute through their special power of attornies i.e. Sh. Ashok Arora father of Rishu Arora and Sh. Satvinder Singh Walia father of Komal Singh Walia.*
- (ii) Both the parties have agreed to resolve all their issues on the payment of Rs.65 Lacs as full and final payment towards maintenance and permanent alimony etc out of Rs.65 Lacs an amount of Rs.45 Lacs has already been paid by Sh. Ashok Arora father of Rishu Arora to Komal Singh Walia through her father Sh. Satvinder Singh Walia. The demand draft of the remaining amount of Rs.20 Lac in the name of Komal Singh Walia dated 25.02.2019 shall be handed over before the Hon’ble Court on the next date of hearing i.e 03.04.2019. Photocopy of the same is enclosed with the settlement. Sh. Satvinder Singh Walia has no objection to handing over the draft in Court on 03.04.2019.*
- (iii) Sh. Satvinder Singh Walia has undertaken on his behalf and also on behalf of his wife and daughter Komal Singh Walia to withdraw all the cases, complaints and representations filed by them before different courts or different authorities on or before 08.04.2019. The undertaking given by him is enclosed as Annexure ‘A’ with this settlement.*

- (iv) *That the withdrawal of above mentioned cases shall be subject to full co-operation by Rishu Arora or his father Ashok Arora in mutual divorce petition which is to be filed at Delhi Court. The undertaking of Satvinder Singh Walia is already attached as Annexure-A.*
- (v) *Sh. Ashok Arora father of Rishu Arora has already withdrawn Civil Suit filed against Sh. Satvinder Singh Walia and has further agreed to withdraw the complaint filed by him before Haryana State Human Right Commission before 08.04.2019. The undertaking of Ashok Arora is attached as Annexure-B.*
- (vi) *Both the parties have further agreed not to file any other case/complaint or representation against each other or against respective families etc.*
- (vii) *Both the parties have agreed not to interfere in the life of each other henceforth and allow both Sh. Rishu Arora and Komal Arora to lead their independent lives in peaceful manner.*
- (viii) *Both the parties have further agreed that they shall to the adhere conditions. In the case of non adherence to any of the terms by one party, the other party shall have full liberty to proceed against the other and initiate contempt proceedings.”*

Therefore, taking into consideration the contents of settlement/compromise, perusing the relevant clause No.6 of the said settlement/compromise dated 01.04.2019 as well as the undertaking given by Sukhvinder Singh Walia father and special power of attorney of the complainant, this Court finds that continuation of the proceedings before the

trial Court in the instant FIR qua the petitioners shall be nothing but an abuse of the process of law. Therefore, FIR deserves to be quashed on the basis of settlement between the parties.

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 FIR No.638 dated 02.12.2017 under Sections 323, 406, 498-A and 506 read with Section 34 IPC registered against the petitioners at Police Station Palam Vihar, Gurugram and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of settlement/compromise dated 01.04.2019 arrived at between the parties before the Mediation and Conciliation Centre of this Court, however, subject to payment of consolidated cost of Rs.1,00,000/- to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research

(PGIMER), Chandigarh, which shall be paid by the petitioners within a period of one month from today.

It is made clear that both the parties shall adhere to the terms of settlement/compromise dated 01.04.2019 in letter and spirit and the violation of any terms thereof shall be amenable to contempt proceedings.

It is made clear that in case the Look Out Circulars (LOC) have been issued against petitioners Rishu Arora and Chiragh Arora, the concerned authority shall recall the same as the matter has been resolved between the parties on the basis of settlement/compromise dated 01.04.2019.

Accordingly, all these three petitions stand allowed.

Photocopy of this order be placed on the files of other connected cases.

April 03, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No