

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

284

CRM-M-15557-2019

Date of Decision:28.05.2019

Krishna Shori

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Jasraj Singh, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab,
for respondent No.1.

Mr. Shaurya Puri, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.96 dated 02.08.2017 under Sections 498-A, 406 IPC, registered at Police Station City, District Hoshiarpur (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 08.10.2018 (Annexure P-2).

This Court vide order dated 05.04.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Hoshiarpur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.05.2019 to the effect that the compromise is

genuine, voluntarily and out of free will of the parties.

Respondent No.2-complainant, namely, Prinita Aery, has made a statement with regard to compromise before learned Magistrate on 23.04.2019. The same is reproduced as under:-

“Stated that I have effected a compromise with the accused with the intervention of respectables. I have effected the compromise with my own free will and without any pressure. I have no objection if the quashing petition filed by the accused Krishna Shori through his special Power of Attorey Narinder Kumar before Hon'ble Punjab & Haryana High Court is accepted.”

Learned counsel for the petitioner states that Narinder Kumar is holding Special Power of Attorney on behalf of petitioner-Krishna Shori and accordingly has appeared before the trial court to make the statement in support of the compromise. He further states that in the criminal case, statement of the person can be recorded through a special power of attorney. He has relied upon the order dated 01.06.2018 passed by this Court in ***CRM-M-6890 of 2013*** titled as ***Mangal Das Gautam and another Versus State of Haryana and another,*** whereby the Division Bench of this Court has held that the criminal proceedings under Section 482 of Cr.P.C. can be filed by an accused through an Attorney, but the circumstances under which it can be so filed and would be maintainable would be dependent upon various factors including facts and circumstances of that particular case, which is better left at the wisdom and discretion of the Court.

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 F.I.R.

Limited Versus State of Tamil Nadu and others-2014 (4) RCR (Criminal)

206 has held that when the disputes are substantially matrimonial in nature, or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes 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 of India.

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***, as approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** also, in the light of ***Gold Quest International Private Limited's case (supra)*** and having regard to the judgment passed in ***Mangal Das Gautam's case (supra)***, this petition is allowed and FIR No.96 dated 02.08.2017 under Sections 498-A, 406 IPC, registered at Police Station City, District Hoshiarpur (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 08.10.2018 (Annexure P-2), subject to payment of costs of ₹25,000/- to be paid by the petitioner, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. He shall produce a receipt with the Registry.

However, parties shall remain bound by the terms of compromise dated 08.10.2018 (Annexure P-2).

May 28, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No