

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

289

CRM-M-32279-2018

Date of Decision:13.09.2019

Rohit Bansal and others

.....Petitioners

Versus

State of U.T. Chandigarh and others

.....Respondents

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

**Present: Mr. Devinder Singh, Advocate,
for the petitioners.**

**Mr. Amit Kumar Goyal, APP, U.T. Chandigarh,
for respondent Nos.1 and 2.**

**Mr. Ankush Sharma, Advocate,
for complainant-respondent No.3.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.539 dated 22.10.2014 under Sections 406, 498-A, 34 IPC, registered at Police Station Sector-34, Chandigarh (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-deed dated 09.05.2018(Annexure P-2).

This Court vide order dated 16.05.2019 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 report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 01.08.2019 to the effect that the parties have settled the matter voluntarily, without any pressure/coercion from any quarter.

Respondent No.3-complainant, namely, Neha Gupta, has made a statement with regard to compromise before learned Magistrate on 18.07.2019. The same is reproduced as under:-

"I have compromised the present case with accused Om Parkash, Saroj Bala and Rohit Bansal arising out of FIR No.539 dated 22.01.2014 under Sections 406 & 498-A IPC, 1860, Police Station Sector 34, Chandigarh, out of my free will, without any threat, pressure or coercion due to intervention of respectables of both sides. The photocopy of compromise deed dated 09.05.2018 is placed on the file (Exhibit C-1), which has been signed by me with my free will.

I have no objection, if accused Om Parkash, Saroj Bala and Rohit Bansal are acquitted in the present FIR and further proceedings thereon may be quashed against all the above named accused.

I have placed on record self attested photocopy of my Aadhar Card for the purpose of my identification."

Learned State counsel as well as learned counsel for respondent No.3 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.

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 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)*, this petition is allowed and FIR No.539 dated 22.10.2014 under Sections 406, 498-A, 34 IPC, registered at Police Station Sector-34, Chandigarh (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise-deed dated 09.05.2018(Annexure P-2), subject to payment of costs of Rs.10,000/- to be paid by the petitioners, within a period of one month from today with the **Govt. Medical College and Hospital, Sector-32, Chandigarh** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent. The petitioner shall produce a receipt with the Registry.

September 13, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No