

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

CRM-M-18147-2019

Date of Decision:24.04.2019

Krishna Gulati and another

.....Petitioners

Versus

U.T., Chandigarh and another

.....Respondents

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

Present: Petitioner No.1 along with her brother present in person.

Dr. Virendar Sarwal,
GPA holder of respondent No.2 in person.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing the FIR No.66 dated 13.08.2018 (Annexure P-1) under Sections 406, 498-A IPC, registered at Police Station Women Police Station, Chandigarh and all the consequential proceedings arising therefrom on the basis of settlement/agreement dated 27.02.2019 (Annexure P-2).

Since the lawyers have abstained from work today, petitioner No.1-Krishna Gulati is present in person and requests for final disposal of the case today itself. She has submitted that in the aforesaid FIR, the matter has been compromised between the parties. Resultantly, a settlement/agreement dated 27.02.2019 has been reduced into writing. In terms of the compromise, a sum of ₹65 lacs is required to be paid to respondent No.2 towards her final claim. Even a decree of divorce as provided under Section 13-B of the Hindu Marriage Act, 1955 has also been

passed in terms of the compromise. Out of the agreed amount of ₹65 lacs, a sum of ₹50 lacs has already been paid to respondent No.2, whereas the remaining amount of ₹15 lac by way of bank draft No.231553 dated 09.04.2019 has already been handed over to respondent No.2 in the Court through her father in the pre-lunch session, who is holding General Power of Attorney on her behalf.

Dr. Virendar Sarwal, who is holding GPA on behalf of respondent No.2 has put in appearance in the pre-lunch session and while admitting the compromise has sought time to file an affidavit in support of the settlement/agreement. He has produced the affidavit in support of compromise, which is taken on record. A copy thereof has been handed over to petitioner No.1, who is present in the Court and has been identified by Dr. Sarwal himself. He states that he has no objection in case the present FIR is quashed today itself as the matter has been compromised between the parties. However, he states that petitioner No.1 should not indulge in maligning her daughter in any manner adverse to her interest. Contents of affidavit are reproduced as under:-

“I, Dr. Virendar Sarwal son of Shri K.L. Sarwal, resident of House No.1184, Sector 8-C, Chandigarh, do hereby, solemnly affirm and declare as under:-

- 1. That I am GPA holder of my daughter, namely, Ridhima Sarwal.*
- 2. That I have no objection if the FIR No.66 of 2018 under Sections 406 and 498-A IPC, Police Station Women Cell, Sector-17, Chandigarh is cancelled subject to the matter that in future Mr. Aalaap Gulati and his mother Mrs. Krishna Gulati will not indulge in maligning my daughter, namely, Ridhima Sarwal in any way if some reference comes their way*

in future.

3. *That I have received today a demand draft No.231553 dated 09.04.2019 in the name of my daughter, namely, Ridhima Sarwal for Rs.15 lacs as decided in the compromise deed.”*

Formal notice was required to be issued to U.T., Chandigarh, but as the matter has already been settled between the parties and the settlement/agreement dated 27.02.2019 (Annexure P-2) has been placed on record, coupled with the fact that Dr. Sarwal, GPA holder of respondent No.2 has submitted that he being a Cardiovascular Surgeon working with the Ojas Hospital, Panchkula, is required to attend his O.T. every day and further adjournment if any would be at the cost of needy patients. Therefore, the matter be heard and finally decided today itself.

Having heard the parties who are present in person and noticing the fact that the matter has already been settled between the parties and this fact has not been disputed by Dr. Sarwal, GPA holder of respondent No.2 and in support thereof, an affidavit dated 24.04.2019 has been filed by Dr. Sarwal, this Court finds that no useful purpose would be served to continue with the proceedings before the trial Court in the present F.I.R., more particularly when the matter has been resolved 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 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.66 dated 13.08.2018 (Annexure P-1) under Sections 406, 498-A IPC, registered at Police Station Women Police Station, Chandigarh and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of the settlement/agreement dated 27.02.2019 (Annexure P-2).

April 24, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No