

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-43324 of 2018 (O&M)

Date of Decision: 24.07.2019

Inderdeep Singh Chadha & another

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

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

Present:- Mr. P.S. Ahluwalia, Advocate
for the petitioners.

Mr. Harpreet Singh Multani, AAG, Punjab.

Mr. N.S. Gill, Advocate, for
Mr. Munish Gupta, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 is for quashing of case FIR No.26 dated 23.04.2017 under Sections 406, 498A IPC registered at Police Station Women, Patiala, District Patiala (Annexure P-1) and all consequential proceedings arising therefrom including framing of charge (Annexures P-3 and P-4).

Vide order dated 21.02.2019, on joint request of the parties, the matter was referred to the Mediation and Conciliation Centre of this Court and the parties were directed to appear before it on 18.03.2019.

On 14.05.2019, when the case was listed for hearing, parties were *ad idem* that the matter has been settled between them in the mediation proceedings. Even the report from the mediator has been received along with the settlement agreement dated 19.03.2019, which is part of the record. The relevant clause of the settlement agreement i.e. Clause 6(e) reads as under:-

“e) The second party has registered an FIR whose quashing is pending before this Hon’ble High Court in the form of present case. The second part has agreed to give statement/affidavit/ no objection for quashing of the FIR on the basis of present settlement, qua first party and his family members named in the FIR, before the Hon’ble High Court on the date fixed for hearing i.e. 14.05.2019.”

Learned counsel for the petitioners has also produced a photocopy of order dated 21.06.2019 passed by ACJM, Durgapur, whereby on an application filed by the complainant, the complaint filed by the petitioner under Sections 500/120-B IPC against respondent no.2 Kiranpreet Kaur and her parents, has been compounded and consequently, the accused have been acquitted in that case.

In view of the fact that the matter has been compromised between the parties, which fact has duly been accepted by counsel for respondent no.2 on the last date of hearing i.e. 14.05.2019, the present petition is allowed and FIR No.26 dated 23.04.2017 under Sections 406, 498A IPC registered at Police Station Women, Patiala, District Patiala (Annexure P-1) and all consequential proceedings arising therefrom including framing of charge (Annexures P-3 and P-4), are quashed *qua* the

petitioners, on the basis of compromise, as entered between the parties. However, that would be subject to payment of costs of Rs.20,000/-, to be deposited with the Poor Patients Welfare Fund of the Post Graduate Institute of Medical education and Research (PGIMER), Chandigarh within a period of one month from today.

It is made clear that since the matter has been compromised between the parties before the mediator, the parties shall be bound by the terms of the compromise so entered between them and in the event of any violation of any term thereof by any party, it would be open for the other party to have recourse to the remedies, as available under the law, including filing of contempt petition.

July 24, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No