

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-43268-2015 (O&M)

Date of Decision:07.02.2019

Faqir Chand and another

.....Petitioners

Versus

U.T., Chandigarh and another

.....Respondents

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

Present: Mr. Arshdeep Singh Brar, Advocate,
for the petitioners.

Mr. J.S. Toor, APP,
for U.T., Chandigarh.

Mr. Amit Kumar Saini, Advocate,
with complainant-respondent No.2 in person.

HARI PAL VERMA, J.(Oral)

Prayer in this 2nd petition filed under Section 482 Cr.P.C. is for quashing of FIR No.194 dated 17.07.2014 under Sections 406, 498-A IPC, registered at Police Station Sector-36, Chandigarh, on the basis of compromise dated 03.09.2014 (Annexure P-2).

Learned counsel for the petitioners states that he does not press the present petition qua petitioner No.1, who has already been acquitted by the trial court. He further states that a compromise dated 03.09.2014 (Annexure P-2) was entered between the parties and resultantly, a sum of ₹3 lac was paid to respondent No.2-Rajni Saroya by way of two bank drafts bearing Nos.220363 & 220364 dated 27.08.2014 drawn at ICICI Bank Limited payable at Chandigarh.

On the last date of hearing, Mr. Amit Kumar Saini, Advocate,

had put in appearance on behalf of respondent No.2 and stated that Rajni Saroya and Shingara Rani Saroya have signed the document (Annexure P-2) dated 03.09.2014. He stated that affidavit (Annexure P-4) dated 15.12.2014 was not signed by respondent No.2. However, he states that now the matter has been compromised between the parties.

Accordingly, respondent No.2 has received another bank draft bearing No.705323 dated 07.02.2019 for an amount of ₹1.25 lac. She states that she has no objection in case the FIR in question is quashed. She has also filed an affidavit dated 07.02.2019 in Court today, which is taken on record. She has solemnized the second marriage on 09.10.2017.

Respondent No.2-complainant, namely, Rajni Saroya, who is present in the Court, has made a separate statement with regard to compromise before this Court today. The same is reproduced as under:-

“Stated that I have compromised the matter with petitioner No.2-Manish Kumar Chopra with whom I was earlier married. I got re-married on 09.10.2017. I have received an amount of ₹1.25 lac by way of Demand Draft No.705323 dated 07.02.2019 and I own my affidavit submitted to the Court today separately. I have no claim henceforth against the petitioners whatsoever in future. The affidavit furnished separately is without any pressure from any side. My this statement is also without any pressure from any corner.”

Learned State counsel as well as complainant-respondent No.2, who is present in Court today 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.

Considering the fact that there is already a compromise (Annexure P-4), coupled with the fact that the petitioners have paid another sum of ₹1.25 lac by way of demand draft No.705323 dated 07.02.2019 and respondent No.2 has accepted the very compromise dated 03.09.2014 (Annexure P-2), this Court finds that no useful purpose would be served to keep the present FIR pending, more particularly when the offences in the FIR are under Sections 406, 498-A IPC. Accordingly, FIR in question is liable to be quashed.

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.194 dated 17.07.2014 under Sections 406, 498-A IPC, registered at Police Station Sector-36, Chandigarh, is hereby quashed qua petitioner No.2 on the basis of compromise dated 03.09.2014 (Annexure P-2).

February 07, 2019

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No