

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

348

CRM-M-21727-2019

Date of Decision:26.08.2019

Pankaj Gupta and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Rakesh Kumar, Advocate,
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. S.S. Grewal, 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.90 dated 26.06.2017 under Sections 323, 354, 406, 498-A, 506 IPC, registered at Women Police Station, Ambala City (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 03.04.2019(Annexure P-2).

This Court vide order dated 13.05.2019 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 Judicial Magistrate 1st Class, Ambala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.07.2019 to the effect that the compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Parul, has made joint statement along with petitioners with regard to compromise before learned Magistrate on 08.07.2019 to the effect that they have compromised the matter without any pressure, fear and greed and she has no objection if the FIR in question registered against the petitioners-accused is quashed.

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 complaint.

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.90 dated

26.06.2017 under Sections 323, 354, 406, 498-A, 506 IPC, registered at Women Police Station, Ambala City(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 03.04.2019(Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the **Government Medical College and Hospital, Sector-32, Chandigarh** and the said amount would be utilized for the treatment of poor patients within the knowledge of its Director. The petitioners shall produce a receipt with the Registry.

August 26, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No