

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-22473-2019

Date of Decision:05.09.2019

Anup Kumar Arora

.....Petitioner

Versus

State of UT Chandigarh and another

.....Respondents

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

Present: Mr. Surinder Kumar Arora, Advocate,
for the petitioner.

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

None 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.80 dated 24.09.2016 under Sections 406, 498-A IPC, registered at Police Station Women Cell, Sector-17, Chandigarh (Annexure P-3) including the order dated 27.08.2018(Annexure P-6), whereby the petitioner was declared proclaimed offender and all the consequential proceedings arising therefrom on the basis of compromise dated 11.04.2019 (Annexure P-5).

This Court vide order dated 16.05.2019 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, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.07.2019 to the effect that the compromise is genuine and voluntary.

Though no one is present on behalf of respondent No.2-complainant-Archana in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 24.07.2019. The same is reproduced as under:-

“In compliance of order dated 16.05.2019 passed by Hon'ble Punjab & Haryana High Court in CRM-M-22473-2019, I record my statement:

Stated that I got the above said FIR registered against the accused Anup Kumar Arora aged 40 years, son of Sh. Raj Kumar Arora, permanently residing at 2/86, Arthur St., Payneham South Adelaide, Australia. Now with the intervention of well wishers, common friends and respectable persons, I have amicably settled the dispute with the accused namely Anup Kumar. The compromise deed is Ex.P1. Compromise has been effected voluntarily and without any pressure or undue influence from any side. This compromise is voluntary and genuine and now I have no grudge against the above named accused, who is only accused in the present case. He was declared proclaimed offender. The FIR in question is against Anup Kumar. I have no objection, if the present FIR is quashed as per the settlement. The settled amount is Rs.28 Lacs out of which I have received a sum of Rs.14 Lacs and the remaining shall be paid by Anup Kumar on the second motion in the divorce petition i.e. 29.10.2019. I reaffirm the contents of the settlement/compromise deed Ex.P1.”

Learned counsel for the petitioner states that pursuant to the order dated 16.05.2019 passed by this Court, the petitioner has appeared before the trial Court and has been admitted on bail. He has also deposited the costs of Rs.25,000/- imposed by this Court.

Learned State counsel has 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.80 dated 24.09.2016 under Sections 406, 498-A IPC, registered at Police Station Women Cell, Sector-17, Chandigarh (Annexure P-3) including the order dated 27.08.2018(Annexure P-6), whereby the petitioner was declared proclaimed offender and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 11.04.2019 (Annexure P-5).

However, as settled between the parties which is reflected in the statement of the complainant-respondent No.2-Archana that the petitioner is required to make the balance payment of Rs.14 lacs on the

second motion in divorce petition on 29.10.2019, it is made clear that in case the aforesaid amount is not paid at the second motion, the present petition shall be deemed to have been dismissed.

September 05, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No