

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

CRM-M-22197 of 2019.

Decided on:- August 06, 2019.

Manoj Kumar and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

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Present:- None.

**HARI PAL VERMA, J. (Oral)**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.28 dated 09.07.2018 under Sections 406 and 498-A IPC registered at Police Station Women Cell, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise.

Petitioner No.1 Manoj Kumar is being represented through his special power of attorney Sheela Rani, who is his mother and petitioner No.2 herein.

This Court vide order dated 15.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1<sup>st</sup> Class, Patiala and got their statements recorded on 29.05.2019.

On the basis of the statements so recorded by the parties, learned Magistrate

has submitted the report dated 12.06.2019 to the effect that the parties have arrived at a compromise voluntarily, without any threat or coercion and parties have rendered the statements before the Court voluntarily, without any threat or coercion, as per which, the compromise between the parties is genuine, voluntarily, without any threat or coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Babita Rani. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 29.05.2019 reads as under:

*“Stated that I am the complainant of present case FIR No.28 dated 9.7.2018 under Sections 406/498-A IPC registered at P.S. Women, Patiala which has been got registered by me against the accused Manoj Kumar, Sheela Rani and Ravinder Kumar. Now due to intervention of respectables of locality and common friends, I have compromised with the accused voluntarily, out of free will and without any coercion or undue influence. That divorce petition under Section 13-B of Hindu Marriage Act is pending before the court of Ms. Saru Mehta Kaushik, learned Principal Judge, Family Court, Patiala, wherein, an agreement was effected between the parties to the effect petitioners/accused shall pay total sum of Rs.8,00,000/- to the respondent/complainant in lieu of her matrimonial alimony and out of same, I have already received Rs.4,00,000/- in said petition on first motion on 26.4.2019 and remaining Rs.4,00,000/- has been received by me today in the court in the shape of demand draft No.428272 dated 29.5.2019 and now nothing is due towards accused except the gold articles lying with police recovered in the above said criminal case. I have no objection if present FIR and proceedings arising out of present FIR against the accused Manoj Kumar, Sheela Rani and*

*Ravinder Kumar are quashed by the Hon'ble Punjab and Haryana High Court subject to encashment of above said demand draft of Rs.4,00,000/-. I am giving this statement voluntarily, out of free will and without any coercion or undue influence. The compromise between us is genuine. The copy of demand draft No.428272 dated 29.5.2019 amounting to Rs.4,00,000/- is Ex.C1."*

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

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 the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become 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.

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*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as well as the law laid down in ***Gold Quest International Private Limited's case (supra)***, the present petition is allowed and the FIR No.28 dated 09.07.2018 under Sections 406 and 498-A IPC registered at Police Station Women Cell, District Patiala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners

on the basis of compromise, however, subject to payment of costs of Rs.10,000/- to be paid by the petitioners to the Director, Rajindra Hospital, Patiala within a period of one month from today and this amount shall be utilised only for the welfare of poor patients within the knowledge of the Director of said hospital.

It is made clear that the respondent No.2-complainant shall present the demand draft No.428272 dated 29.05.2019 of Rs.4,00,000/- for encashment before the bank within the period of its validity.

August 06, 2019  
Yag Dutt

(HARI PAL VERMA)  
JUDGE

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