

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

286

CRM-M-5215-2018

Date of Decision:10.12.2019

Mohit Babbar @ Shami and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

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

Mr. Saurav Khurana, DAG, Punjab.

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.74 dated 27.11.2015 under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Jalandhar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 07.09.2017(Annexure P-2).

This Court vide order dated 21.08.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate 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, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 16.11.2019 to the effect that the compromise effected between the parties is genuine, voluntary and without any threat, duress or coercion.

Though no one is present on behalf of the complainant-respondent No.2-Naina 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 30.09.2019. The same is reproduced as under:-

“Stated that the present FIR was got registered by me against the accused Mohit Babbar, Anita Babbar, Sheetal Babbar and Saurabh Babbar only. Now I have compromised the matter with the above mentioned accused persons. I have no objection if accused Mohit Babbar, Anita Babbar, Sheetal Babbar and Saurabh Babbar may be acquitted and FIR may be quashed and quashing proceedings pending before the Hon'ble Punjab and Haryana High Court may be allowed. I have made this statement voluntarily and without any pressure, coercion or any undue influence. I have brought my Aadhaar card today in the Court and copy of same is Ex.C1.”

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.74 dated 27.11.2015 under Sections 406, 498-A IPC, registered at Police Station Women Cell, District Jalandhar (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 07.09.2017(Annexure P-2), subject to payment of costs of Rs.10,000/- to be paid by the petitioners, within a period of one month from today with the **Post Graduate Institute of Medical Education and Research, Chandigarh** and the said amount would be spent for the treatment of poor patients within the knowledge of its Director.

December 10, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No