

CRM-M-53054 of 2018

Date of Decision: 18.01.2019

Gaurav Verma and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gautam Thapar, Advocate for the petitioners.

Mr. Jagmohan Ghuman, DAG, Haryana for respondent No.1.

Ms. Harpreet Kaur, 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.163 dated 14.12.2017 under Sections 406, 498-A and 34 of IPC registered at Police Station Bilga, District Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise effected between the parties before the Mediation and Conciliation Centre of this Court on 02.11.2018.

This Court vide order dated 30.11.2018 had directed the parties to appear before the Illaqa Magistrate to get their statements recorded with regard to the compromise and the Illaqa 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, Phillaur, District Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 08.01.2019 to the effect that

the compromise effected between the parties is voluntary, without any pressure or coercion and is a genuine one.

Respondent No.2-complainant, namely, Rohini Verma has made her statement with regard to compromise before learned Magistrate on 05.01.2019. The same is reproduced as under:-

“ I have compromised with the accused Gaurav Verma, Lalit Verma and Pooja Verma in the above mentioned case. The matter has been compromised before the Mediation and Conciliation Centre of Punjab and Haryana High Court, Chandigarh vide order dated 02.11.2018 in CRM-M-14380 of 2018. The photo copy of the same is Ex.C-1. The compromise is voluntarily and has been entered into with my free will without any kind of inducement and undue influence and pressure of any kind from any side. Copy of Aadhar Card is Ex.C-2. I have already received Rs.70,000/- through demand draft bearing no.719225 dated 01.11.2018 before the Mediation Centre at the time of compromise. As per the compromise, I have received Rs.1,50,000/- through draft bearing no.812073 dated 04.01.2019 and Rs.25,000/- in cash today in the Court. Photocopy of draft bearing no.812073 dated 04.01.2019 is Ex.C-3. I have got no objection if the FIR above noted be quashed/cancelled and the accused be discharged/acquitted.”

Learned counsel for the petitioners states that on the basis of compromise, parties have invoked the proceedings under Section 13B of the Hindu Marriage Act, 1955 and the statements of the parties at the first motion have already been recorded and the case is now fixed for recording second motion statements in the month of February, 2019.

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 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.

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 also in the light of **Gold Quest International Private Limited's case** (*supra*) this petition is allowed and FIR No.163 dated 14.12.2017 under Sections 406, 498-A and 34 of IPC registered at Police Station Bilga, District Jalandhar and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise effected between the parties before the Mediation and Conciliation Centre of this Court on 02.11.2018, however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

January 18, 2019

Jyoti-IV

(HARI PAL VERMA)
JUDGE

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