

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

275

CRM-M-25092-2019

Date of Decision:25.09.2019

Varinder Pal Singh Chadha @ Sonu Chadha

.....Petitioner

Versus

State of U.T. Chandigarh and another

.....Respondents

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

**Present: Mr. Harsh Manocha, Advocate,
for the petitioner.**

Mr. D.S. Brar, APP, U.T., Chandigarh.

**Mr. Simran Bindra, 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.8 dated 25.01.2017 under Sections 406, 498-A IPC, registered at Police Station Women Cell, Sector-17, Chandigarh(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 08.04.2019 (Annexure P-2).

Power of attorney filed on behalf of respondent No.2 today in the Court, is taken on record.

This Court vide order dated 29.05.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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, the 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 20.08.2019 to the effect that the compromise has been effected between the parties without any coercion or undue influence from any side and the same is genuine and voluntary.

Respondent No.2-complainant, namely, Malvika Singh, has made a statement with regard to compromise before learned Magistrate on 17.08.2019. The same is reproduced as under:-

“In compliance of order dated 29.05.2019 passed by Hon'ble Punjab & Haryana High Court in CRM-M-25092-2019, I record my statement:

Stated that I got the above said FIR registered against the accused Varinder Pal Singh son of Shr. Inderjit Singh, resident of House No.16/5, Jangpura lane, Bhogal, New Delhi, 110014. Now with the intervention of well wishers, common friends and respectable persons, I have amicably settled the dispute with the accused namely Varinder Pal Singh. The compromise deed is Ex. C1. Compromise has been effected voluntarily and without any pressure or undue influence from any side. This compromise is voluntary, genuine and without any coercion or undue influence and now I have no grudge against the above named accused, who is only accused in the present case. The FIR in question is against Varinder Pal Singh. The settled amount is Rs.8 Lacs in the divorce petition pending in the court of Ms. Manisha Jain, Ld. ADJ, Chandigarh out of which I have received a sum of Rs.4 Lacs on 08.04.2019 and the remaining shall be paid by Varinder Pal Singh on the second motion in the divorce petition i.e. 14.10.2019. I have no objection, if the present FIR is quashed as per the settlement, subject to receipt of the balance amount of Rs.4 lacs and after the passing of the decree of divorce by way of mutual consent. I reaffirm the contents of the settlement/compromise deed Ex.C1. ”

As per statement of the complainant, out of the settled amount

and the balance amount shall be paid by the petitioner at the time of second motion statement, which is fixed for 14.10.2019. Since the matter has been compromised between the parties, the present FIR deserves to be 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 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.8 dated 25.01.2017 under Sections 406, 498-A IPC, registered at Police Station Women Cell, Sector-17, Chandigarh(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 08.04.2019 (Annexure P-2).

The parties shall remain bound with their respective statements.

The petitioner shall pay the remaining amount i.e. Rs.4 lacs on the second

motion statement.

For non-payment of Rs.4 lacs, the present petition shall be liable to be dismissed.

September 25, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No