

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-25188-2019

Date of Decision:19.12.2019

Leena Rani and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Jagdish Manchanda, Advocate,
for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.101 dated 04.12.2017 under Sections 406, 498-A IPC, registered at Police Station Women, District Police Commissionerate, Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 15.05.2019(Annexure P-4).

This Court vide order dated 30.05.2019 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

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.08.2019 to the effect that the matter has been compromised between the parties.

Respondent No.2-victim Shubra Sharma(Dhawan), has made a statement with regard to compromise before learned Magistrate on 17.07.2019. The same is reproduced as under:-

“Stated that my father has got registered an FIR number 101 dated 04.12.2017 under Sections 406, 498-A IPC, P.S. Women Cell against the accused persons namely Paras Dhawan, Prem Lata, Puneet Singal and Leena Rani in the present case. I have no objection if the said FIR is quashed after the fulfillment of terms and conditions mentioned in the compromise Ex.CX as well as after the completion of second motion of petition under Section 13-B of HMA. The compromise Ex.CX effected between me and all other accused persons is without any pressure, coercion, threat and undue influence. I am suffering my statement as per the direction of Hon'ble Punjab and Haryana High Court to prove my bonafidy. My statement is without any pressure or coercion or the threat. I have no objection if the said FIR be quashed after the fulfillment of the compromise Ex.CX.”

Apart from above, a similar statement has also been made by respondent No.3-complainant-Sandeep Sharma, whereby he has shown no objection to the present FIR being quashed.

Learned counsel for respondent Nos.2 and 3 has not disputed the receipt of Rs.10 lakh as against agreed amount of Rs.20 lakh. However, he states that the proceedings under Section 13-B of the H.M. Act are pending which are fixed for 15.01.2020 before the trial court and the petitioners be directed to deposit the remaining amount of Rs.10 lakh before getting the statements at second motion recorded.

On 30.08.2019, when this case was listed before this Court,

learned counsel for respondent Nos.2 and 3 has brought to the notice that proceedings under Section 13-B of the Hindu Marriage Act (for short “the H.M. Act”) are pending between the parties and the case is fixed for 20.11.2019 for second motion.

Learned counsel for the petitioners has submitted that statements of the parties in proceedings under Section 13-B of the H.M. Act could not be recorded on 20.11.2019. Thereafter, the case was adjourned to 18.12.2019, however, on 18.12.2019 also statements could not be recorded as the Presiding Officer was not holding the court on that day. The fact remains that the petitioners are bound to honour the compromise dated 15.05.2019.

Learned State Counsel, on instructions from ASI Vipin Kumar, has apprised this Court that challan in the case has been presented against petitioner Nos.1 and 2, whereas petitioner Nos.3 and 4 have been placed in column No.2.

Heard learned counsel for the parties and noticing the fact that the matter has been compromised between the parties and this fact is not disputed by the parties, the FIR in question deserves to be quashed.

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.101 dated 04.12.2017 under Sections 406, 498-A IPC, registered at Police Station Women, District Police Commissionerate, Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner Nos.1 and 2 on the basis of compromise dated 15.05.2019 (Annexure P-4), subject to payment of costs of ₹20,000/- to be paid by the petitioners, within a period of one month from today with the High Court Bar Association.

The petitioners shall make the remaining payment of Rs.10 lakh to respondent No.2-Shubra Sharma on or before the date when the case is fixed before the matrimonial court for recording statements at second motion.

However, in case the petitioners fail to appear before the matrimonial court, so as to get their statements recorded at second motion, respondent No.2 is at liberty to seek revival of the present petition.

December 19, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No