

304.

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

CRM-M-26152-2019

Date of decision: 20.11.2019

ANURAG RANJAN AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. G.C. Shahpuri, Advocate,
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab,
for respondent No.1.

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 F.I.R. No.95 dated 13.09.2018 registered under Sections 406, 498-A, 313, 506, 417 of IPC at Police Station Women Cell, Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement dated 25.02.2019 (Annexure P-2).

This Court vide order dated 06.08.2019 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 Ist Class, Patiala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 17.09.2019 to the effect that the compromise has been effected between the parties with their free will, without any pressure, coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jyoti Sharma but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 12.09.2019. The same is reproduced as under:-

“I have compromised with the accused namely Anurag Ranjan and Vandana Ranjan on 25.02.2019 in Hon'ble Punjab and Haryana High Court, Chandigarh. As per the compromise both the parties have filed petition under Section 13-B of Hindu Marriage Act. Statement of first motion has already been recorded and I have received the half amount of the total and the case is pending for recording statement of second motion for 23.09.2019. I have no objection if the proceedings of present case be quashed. The compromise is effected with my own free will and without any pressure, coercion and inducement. I have also placed on record my identity proof.”

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 FIR.

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 also in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and F.I.R. No.95 dated 13.09.2018 registered under Sections 406, 498-A, 313, 506, 417 of IPC at Police Station Women Cell, Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement dated 25.02.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Government Medical College and Hospital, Sector 32, Chandigarh, within one month from today. The Medical Superintendent shall ensure that the amount so deposited by the petitioners is utilized for the welfare of poor patients only.

(HARI PAL VERMA)
JUDGE

20.11.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No