

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

257

CRM-M-32974-2019

Date of Decision:01.10.2019

Rajendra Harsh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Vikas Cuccria, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Ajay Pal Singh Rana, 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.102 dated 28.06.2019 under Sections 323, 498-A, 406, 506, 34 IPC, registered at Police Station Division No.6, Jalandhar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 26.07.2019(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 08.08.2019 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 Chief Judicial Magistrate(NRI Court), Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 20.09.2019 to the effect that the compromise appears to be genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Anju Harsh, has made a statement with regard to compromise before learned Magistrate on 09.09.2019. The same is reproduced as under:-

“Stated that the present case FIR No.102 dated 28.06.2019 under Section 323, 498-A, 406, 506, 34 IPC, PS Divn. No.6, Jalandhar was registered on my statement against the accused persons namely Rajendra Harsh, Kanta Devi Harsh and Meenakshi Verma. With the intervention of respectable, the matter has been compromised between me and the accused persons. Compromise was also reduced into writing and original compromise deed has been produced before the Hon'ble High Court and copy of the same is mark-A. Compromise has been effected voluntarily without any pressure, coercion, undue influence and with my free will. I have no objection if the present FIR may be quashed by the Hon'ble High Court. I have brought my original adhar card today in the court and copy of the same is Ex.C1.”

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.102 dated 28.06.2019 under Sections 323, 498-A, 406, 506, 34 IPC, registered at Police Station Division No.6, Jalandhar(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 26.07.2019(Annexure P-2), subject to payment of costs of ₹20,000/- i.e. ₹10,000/- each to be paid by the petitioners as well as complainant-respondent No.2, within a period of one month from today with the Poor Patients' Welfare Fund of **Post Graduate Institute of Medical Education and Research, Chandigarh.**

October 01, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No