

272.

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

CRM-M-55817-2018

Date of decision:02.08.2019

SHEENU GUPTA AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.70 dated 23.03.2012 registered under Sections 498-A, 406, 120-B of IPC at Police Station City Barnala, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.09.2018 (Annexure P-2) so entered between the parties before the Mediation and Conciliation Centre, Barnala.

This Court vide order dated 30.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court on 25.02.2019 to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. However, the parties could not appear before the trial Court to get their statements recorded. Again vide order dated 09.05.2019, the parties were afforded one more opportunity to get their statements recorded.

Pursuant to the aforesaid order, parties have appeared before

On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.07.2019 to the effect that the compromise is genuine and has been effected between the parties without any pressure and coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Anisha but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 01.07.2019. The same is reproduced as under:-

“Stated that I am complainant in this case. The present FIR no.70 dt. 23.3.2012 u/s 498A, 406 and 120-B IPC PS City Barnala, was registered on my application wherein the challan was presented against accused and trial was pending. During pendency of the trial upon intervention of the relatives, I have compromised the dispute with all the accused and have voluntarily executed a deed of settlement before the mediation and conciliation centre Barnala on 27/9/2018. The terms and conditions of the compromise were written in the said settlement deed which was typed in mediation centre and was read over to us. It was signed by me and Dr. Sheenu Gupta and was witnessed by my father Harikrishan and Saurav Gupta brother of Dr. Sheenu Gupta. The said settlement agreement was also signed by my counsel and counsel of Sheenu Gupta. I have seen the original settlement deed in the court file and the same is Ex.C1. I identify my signatures of my father and Dr. Sheenu Gupta thereon besides our counsels. The said

settlement agreement was also signed by Sh. PS Kaleke the Mediator. I have received the amount detailed in the settlement agreement from Dr. Sheenu Gupta in the course of the petition of Section 13 B of Hindu Marriage Act before Family Court Barnala. I have no objection if the above said FIR and all consequential proceedings arising therefrom against all the three accused/petitioners, including the present trial are quashed by the Hon'ble High Court of Punjab & Haryana in CRM no.55817-2018. The compromise entered is genuine voluntary and without any coercion or undue influence."

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***

23.03.2012 registered under Sections 498-A, 406, 120-B of IPC at Police Station City Barnala, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 27.09.2018 (Annexure P-2) so entered between the parties before the Mediation and Conciliation Centre, Barnala.

(HARI PAL VERMA)
JUDGE

02.08.2019
sanjeev

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