

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

288

CRM-M-1352-2020

Date of Decision: 16.03.2020

Mohit Goyal and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Ishan Gupta, 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.15 dated 18.01.2016 under Sections 406, 498-A IPC, registered at Police Station City Sangrur, District Sangrur(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 17.12.2019(Annexure P-2).

This Court vide order dated 28.01.2020 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, Sangrur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.02.2020 to the effect that the compromise has been arrived at voluntarily and without any pressure or coercion between them.

Respondent No.2-complainant, namely, Nancy Garg, has made a statement with regard to compromise before learned Magistrate on 10.02.2020. The same is reproduced as under:-

“I have got registered F.I.R. no.15 dated 18.01.2016 under Sections 498-A, 406 IPC in Police Station City, Sangrur against accused Dr. Mohit Goyal, Rajiv Goyal and Mamta Goyal. The matter has been voluntarily compromised with accused named herein above without any pressure, coercion or undue influence and out of free will in the above said F.I.R. I have seen the original compromise, on which, I identify my signature. The photocopy of the same is Ex.CX. As per settlement, I and Dr. Mohit Goyal has filed petition under Section 13-B of Hindu Marriage Act and I have received first installment of the settled amount. The said compromise has been executed with free will and without pressure and remained binding on the parties. The aforesaid persons have never been declared as proclaimed offender. I have no objection in quashing the F.I.R. in question against accused Dr. Mohit Goyal, Rajiv Goyal and Mamta Rani.”

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***

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.15 dated 18.01.2016 under Sections 406, 498-A IPC, registered at Police Station City Sangrur, District Sangrur(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 17.12.2019(Annexure P-2), subject to payment of costs of ₹25,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients' Welfare Fund of **Post Graduate Institute of Medical Education and Research(PGIMER), Chandigarh.**

March 16, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No