

236.

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

CRM-M-10447-2020 (O&M)

Date of decision: 09.12.2020

SHAILESH PURI AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Dilraj Singh Bhinder, Advocate, for
Mr. Kawaljyot Singh, Advocate, for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab, for respondent No.1.

Mr. Yagyaang Ajay, Advocate, for respondent No.2.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.30 dated 12.04.2014 registered under Sections 406 and 498-A of IPC at Police Station Women Cell, District Jalandhar City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.02.2020 (Annexure P-2).

This Court vide order dated 12.03.2020 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 First Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.11.2020 to the effect that the compromise is genuine and has been effected between the parties with their free will, without any kind of pressure, threat or undue influence.

Respondent No.2-complainant, namely, Michelle Oberoi has made her statement with regard to compromise before learned Magistrate on 02.11.2020. The same is reproduced as under:-

“Stated that one FIR No.30 dated 12.04.2014 under Sections 406/498-A of IPC, PS Women Cell, Jalandhar was lodged against all accused namely Shailesh Puri, Vinod Puri, Raman Puri, Ridhima Puri and Shiv Puri on my statement. The matter has been voluntarily compromised with the intervention of the respectables of the society with all the accused with my free will, without any pressure, coercion, undue influence and inducement etc. from any side. Now the matter in dispute has been compromised and there is no grudge against each other of any parties. There is no any other litigation is pending or decided and I have no objection if the FIR be quashed. I have placed photocopy of my adhar card which 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 FIR.

Hon'ble Supreme Court in ***Gold Quest International Private Limited Versus State of Tamil Nadu and others-2014 (4) RCR (Criminal)***

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.30 dated 12.04.2014 registered under Sections 406 and 498-A of IPC at Police Station Women Cell, District Jalandhar City (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 29.02.2020 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the High Court Bar Association in the Lawyers' Welfare Fund, within one month from today.

(HARI PAL VERMA)
JUDGE

09.12.2020
sanjeev

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