

240.

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

CRM-M-16084-2019

Date of decision: 11.12.2020

AMANDEEP MEHTA

... Petitioner

versus

STATE OF HARYANA AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Naveen Upadhyay, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana,
for respondent No.1.

Ms. Sakshi Doda, 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.97 dated 26.09.2016 registered under Sections 420, 406, 498-A, 323, 506, 120-B of IPC and Section 4 of Dowry Prohibition Act, 1961 at Women Police Station, Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.03.2019 (Annexure P-2) and affidavit of respondent No.2 dated 02.04.2019 (Annexure P-3).

This Court vide order dated 23.10.2019 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 First Class, Yamuna Nagar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 31.10.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Respondent No.2-complainant, namely, Avisha Taneja has made her statement with regard to compromise before learned Magistrate on 30.10.2019. The same is reproduced as under:-

“Stated that I have arrived at compromise with the accused. The compromise has been effected with the efforts of respectable persons. I have entered into compromise with my free consent and without any pressure. Now, I have no grievance against the accused. I have “No-Objection”, if FIR no.97, dated 26.09.2016 registered u/s 323, 498-A, 406 and 506 of IPC at Women Police Station, Yamuna Nagar be quashed. I produce photocopy of my Driving Licence and photograph. As per the compromise, I have already received a sum of Rs.9,00,000/- out of total amount of Rs.13,00,000/- and the remaining amount of Rs.4,00,000/- will be received at the time of quashing before the Hon'ble High Court.”

Learned counsel for respondent No.2-complainant submits that

received the balance amount of Rs.4 lakhs by way of bank draft. She further submits that since challan was not presented for the offences under Sections 420 and 120-B IPC, she has not made statement regarding compromise for these offences. However, for rest of the offences, the matter has been compromised between the parties.

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.97 dated 26.09.2016 registered under Sections 420, 406, 498-A, 323, 506, 120-B of IPC and Section 4 of Dowry Prohibition Act, 1961 at Women Police Station, Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising

therefrom are quashed qua the petitioner on the basis of compromise dated 20.03.2019 (Annexure P-2) and affidavit of respondent No.2 dated 02.04.2019 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

11.12.2020
sanjeev

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