

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

275

CRM-M-29856-2019

Date of Decision: 16.03.2020

Manoj Kumar Anand and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Arnav Sood, Advocate,
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

None for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.60 dated 21.05.2016 under Sections 406, 498-A IPC, registered at Police Station City Hoshiarpur, District Hoshiarpur (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 26.06.2019(Annexure P-2).

Learned counsel for the petitioner states that petitioner No.1- Manoj Kumar Anand is husband of respondent No.3-Priti Jairth-wife and their statements have been recorded through their power of attorney(s). It being a matrimonial dispute between the parties, no useful purpose would be served keeping the litigation alive.

This Court vide order dated 16.08.2019 had directed the parties to appear before the trial Court/Illaqa 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 Judicial Magistrate 1st Class, Hoshiarpur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.09.2019 to the effect that the compromise is genuine, voluntarily, without any coercion or undue influence.

Though no one is present on behalf of complainant-respondent No.2-Davinder Nath Jairth in Court today, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 27.08.2019. The same is reproduced as under:-

“A case FIR no.60 dated 21.05.2016 under Sections 406/498-A of the IPC was got registered at Police Station City, Hoshiarpur by me against (1) Kimti Lal Anand s/o Sh. Gian Chand and (2) Manoj Kumar s/o Kimti Lal. With the intervention of relative and the respectable persons of the society, compromise was effected between me and the accused persons. Now, I have no grudge against the above said accused persons. I have no objection if the FIR against the accused be quashed and the said accused stand acquitted. The compromise has been effected between me and my daughter Preeti Jairth and the accused Kimti Lal Anand and Manoj Kumar voluntarily and with my own sweet will and the accused has not pressurized or used coercion upon me and upon my daughter namely Preeti Jairth for effecting the compromise with them. Today, I myself on behalf of my daughter Preeti Jairath w/o Manoj Kumar received a demand draft No.790958 dated

24.06.2019 for the sum of Rs.5,00,000/- issued in my favour of Punjab National Bank, Bahadurpur chowk, Hoshiarpur from Party No.2 Kimti Lal Anand today in the Court, photocopy of the same is Ex.C1 as past, present and future maintenance of my daughter. I have seen the photocopy of compromise deed and the same is Ex.C2 which bears my signatures. Now nothing is due or pending between us.”

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 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.60 dated 21.05.2016 under Sections 406, 498-A IPC, registered at Police Station City Hoshiarpur, District Hoshiarpur(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 26.06.2019(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