

246.

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

CRM-M-35879-2019

Date of decision: 08.01.2020

NEETANT ARORA AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Akhilesh Vyas, Advocate, for the petitioners.

Mrs. Ruchika Sabherwal, AAG, Punjab, for respondent No.1.

Mr. R.P. Daaria, Advocate, for
Mr. D.S. Khurana, 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 F.I.R. No.17 dated 24.02.2015 registered under Sections 406/498-A of IPC (Sections 420, 120-B of IPC added lateron) at Police Station Women, District Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/a petition filed under Section 13-B of Hindu Marriage Act (Annexure P-2).

This Court vide order dated 29.08.2019 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 Ist Class, Amritsar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 27.11.2019 to the effect that the compromise is genuine and has been effected between the parties without any coercion and undue influence.

Respondent No.2-complainant, namely, Dimple has made her statement with regard to compromise before learned Magistrate on 03.10.2019. The same is reproduced as under:-

“Stated that FIR no.17 dated 24.02.2015, P.S. Women Cell, Amritsar was got registered on my complaint under section 406, 498A, 420, 120B of IPC against accused Neetant Arora and Gauri Arora. Now I have compromised the matter with the above said accused person regarding my matrimonial dispute. We both the parties have detailed our terms of compromise in our petition under Section 13 B of HMA filed before the appropriate authority. The petition in which terms are detailed is Ex.C1. The said compromise was effected without any coercion, pressure and without any undue influence from my side and with my free will. As per the terms of compromise today I have received the remaining amount of Rs.6 Lacs vide demand draft no.015091 dated 24.09.2019 in my name drawn upon HDFC Bank which is full and final payment for the amount agreed to be received as my past, present and future alimony. I will abide by the terms and conditions of Ex.C1. I have no objection if the FIR against the above said accused be quashed.”

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) 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.17 dated 24.02.2015 registered under Sections 406/498-A of IPC (Sections 420, 120-B of IPC added lateron) at Police Station Women, District Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/a petition filed under Section 13-B of Hindu Marriage Act (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Government Medical College, Amritsar, within one month from today. The said amount shall be utilized for the welfare of poor patients within the knowledge of its Medical Superintendent.

(HARI PAL VERMA)
JUDGE

08.01.2020

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