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

CRM-M-33254-2019

Date of decision: 03.02.2020

PANKAJ DAROCH ALIAS PANKAJ DAROJ AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Narinder Singh Dadwal, Advocate,
for the petitioner.

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

Mr. Jagjit Singh, 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.1 dated 13.01.2014 registered under Sections 406, 498-A, 34 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 14.06.2019 (Annexure P-2).

This Court vide order dated 19.08.2019 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, Jalandhar and got their statements recorded.

Statement of Parshotam Lal, attorney of Anup Daroch (complainant) has been recorded with regard to compromise before learned Magistrate on 02.09.2019. The same is reproduced as under:-

“Stated that I am attorney of Anup Daroch my daughter, resident of H.no.843, Urban Estate, Phase-11, Jalandhar. I have placed on record copy of power of attorney as Ex.C1. The matter has been compromised with the accused persons namely Pankaj Daroch son of Joginder Singh, Joginder Singh Daroch son of Bhagat Ram, Saroj Daroch wife of Joginder Singh Daroch, Rajan Daroch son of Joginder Singh and Mamta wife of Rajan Daroch, all resident of H.no.25/1, Block no.108 Village Arniala Lower Takka Road, Opp. Old Excise and Taxation Office, Una, Himachal Pradesh with the intervention of respectables of the society and the same has been effected voluntarily for myself. The accused have filed quashing petition CRM-M-No.33254 of 2019 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing present case FIR and the present proceedings. The said compromise is genuine and arrived at with free consent and without any pressure, coercion, undue influence and inducement from any quarter. I have no grudge or ill will against all the accused. Present FIR may kindly be quashed against all the accused in view of the said compromise. There are only five accused arrayed in the present FIR. There is no any other accused nor any of the accused is proclaimed person. We have also brought photocopy of my identity card as my identity proof i.e. Ex.C2.”

Since statement of respondent No.2-Anup Daroch was recorded through her father (attorney), the learned Magistrate vide report dated 13.11.2019 has reported as under:-

“c) It is pertinent to mention over here that in the copy of power of attorney so attached, it is written that power of attorney holder of complainant can enter into compromise on her behalf with her “prior written consent”. No such consent by her has been placed on record. The statement by her power of attorney on her behalf without the written consent by complainant regarding the compromise cannot be relied upon. So, it cannot be ascertained that the compromise so entered is a genuine one or not.”

When the case was listed before the court on 21.11.2019, learned counsel for respondent No.2 has sought time to convince the court that respondent No.2 has suffered the statement in terms of special power of attorney executed by Anup Daroch.

Today, learned counsel for respondent No.2 has produced an affidavit dated 09.12.2019 duly attested from the notary public to the effect that as respondent No.2-Anup Badhan (after having divorce losing surname as Daroch) has already received her permanent alimony and divorce has also been granted between the parties. She states that she has no objection in case the present FIR is quashed and her claim which includes the present, past and future maintenance including permanent alimony have already been settled. The affidavit so filed is taken on record.

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.1 dated 13.01.2014 registered under Sections 406, 498-A, 34 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 14.06.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.15,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

03.02.2020
sanjeev

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