

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

270

CRM-M-33883-2019

Date of Decision:20.02.2020

Neeraj Joshi

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioner.

HC Gurdip Singh, Investigating Officer.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.69 dated 02.04.2011 under Sections 406, 498-A, 420 IPC and Section 12 of the Passport Act, registered at Police Station Navi Baradari Jalandhar(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-deed dated 26.04.2019 (Annexure P-2).

This Court vide order dated 22.08.2019 had directed the parties to appear before the Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. However, statement of the parties could not be recorded as they failed to appear before the learned Magistrate to get their statements recorded. Again vide order dated 15.01.2020, one more opportunity was granted to the parties to get their statement recorded, in terms of the order dated 22.08.2019 passed by this Court and learned Magistrate was directed to forward the report to this Court.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.02.2020 to the effect that the compromise effected between the parties is genuine, voluntary and without coercion and undue influence.

Though no one is present on behalf of respondent No.2-complainant-Jyotshna Sharma in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 12.02.2020. The same is reproduced as under:-

“Stated that one criminal case vide FIR No.69 dated 02.04.2011 under Section 12 Passports Act and 498-A, 406, 420 IPC, PS Navi Baradari, Jalandhar has been registered against Neeraj Joshi. Challan has been presented in the above said FIR. In the meantime with the intervention of the respectable the matter in dispute has been compromised between me and accused. Copy of the said compromise deed is Ex.DW1/A. As per compromise, custody of minor child Vansh Joshi is remain with me. On the strength of the said compromise accused have preferred for quashing before Hon'ble Punjab & Haryana High Court. As such, the Hon'ble Punjab & Haryana High Court had directed us to record our statement before this Hon'ble court vide order dated 22.08.2019. I have full faith in accused. The compromise has been effected with my free will in sound disposing mind and without any coercion. I have no objection if the abovesaid case be quashed on account of compromise. Today I have received demand draft Ex.DW1/B worth Rs.2,25,000/- as balance full and final payment. Copy of my self attested ID Card i.e. Driving License is Ex.CW/A.”

The Investigating Officer 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.69 dated 02.04.2011 under Sections 406, 498-A, 420 IPC and Section 12 of the Passport Act, registered at Police Station Navi Baradari Jalandhar(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise-deed dated 26.04.2019(Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioner, within a period of one month from today with the **Govt. Medical College and Hospital, Sector-32, Chandigarh** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

February 20, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No