

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

276

CRM-M-40732-2019

Date of Decision: 16.03.2020

Hemant Pasricha and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Amaninder Singh Sekhon, Advocate,  
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Vikas Sonak, Advocate,  
for respondent No.2.

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HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.283 dated 04.09.2013 under Sections 498-A, 120-B IPC (the offence under Section 406 IPC has been added, whereas the offence under Section 120-B IPC was deleted later on), registered at Police Station City Kotwali Faridkot, District Faridkot(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 16.08.2019(Annexure P-2).

Learned counsel for the petitioners states that there is no PO order against petitioner Nos.1 to 3. Though PO proceedings have been initiated against petitioner No.4, but till date he has not been declared PO.

This Court vide order dated 07.01.2020 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 Chief Judicial Magistrate, Faridkot and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 12.02.2020 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Mamta Rani, has made a statement with regard to compromise before learned Magistrate on 03.02.2020. The same is reproduced as under:-

*“Stated that present FIR No.283 dated 4.9.2013, under Sections 498-A, 406, 34 IPC, PS City, Faridkot was got registered by me against the accused Hemant Pasricha, Rakesh Kumar, Krishan Rani alias Guddi alias Komal Paricha and Pankush alias Pankush Pasricha. Now, with the intervention of the respectables of the society, compromise has been effected between us. Compromise effected between us is genuine, voluntary and without any pressure or coercion. I have no objection if the present FIR and as well as all the proceedings arising out of it are quashed. Photocopy of my Aadhaar Card is Ex.C1.”*

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 F.I.R.

Hon'ble Supreme Court in ***Gold Quest International Private***

**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.283 dated 04.09.2013 under Sections 498-A, 120-B IPC (the offence under Section 406 IPC has been added, whereas the offence under Section 120-B IPC was deleted later on), registered at Police Station City Kotwali Faridkot, District Faridkot(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 16.08.2019(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