

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-39116-2019

Date of Decision:31.01.2020

Yeeshu Tiwari and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Kiran Kumar, Advocate,
for the petitioners.**

Ms. Ruchika Sabharwal, AAG, Punjab.

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.28 dated 09.05.2018 under Sections 406, 498-A IPC, registered at Police Station Women, Jalandhar(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 08.03.2019(Annexure P-3).

This Court vide order dated 13.09.2019 had directed the parties to appear before the trial Court/Illaq 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, 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 24.01.2020 to the effect that the compromise effected between the parties is genuine one, which is not the result of any pressure or coercion and the settlement effected between them is not having any adverse affect upon the rights of any third party.

Though no one is present on behalf of respondent No.2-complainant-Ravita Sharda in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before the learned Magistrate on 31.10.2019. The same is reproduced as under:-

“Stated that I had got registered the present FIR against the accused. Now the matter has been compromised with the accused persons namely Yeeshu Tiwari son of Vijay Kumar, Vijay Kumari wife of (wrongly written as son of) Vijay Tiwari and Vijay Tiwari son of Hukam Chand Tiwari, all residents of H. no.5, Gali no.4, Gokal Avenue,, Majitha Road, Amritsar 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.39116 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 two accused arrayed in the present FIR and one accused namely Vijay Tiwari has been summoned in application under Section 319 of Cr.PC. There is no any other accused nor any of the accused is proclaimed person. I have received one demand draft no.178738 dt. 30.10.2019 an amounting to Rs.2,25,000/- as full and final remaining payment from the accused persons, same is Ex.C1. I and my family

members will not level any type of allegations against all the accused and his family members or defame them on any platform, social media or between the friends, relatives and friends. I have also brought the self attested photocopy of my driving licence as my identity proof as Ex.C2 .”

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.28 dated 09.05.2018 under Sections 406, 498-A IPC, registered at Police Station Women, Jalandhar(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 08.03.2019(Annexure P-3), subject to payment of costs of ₹15,000/- to be deposited by the petitioners within a period of one month

from today with the Poor Patients' Welfare Fund of the **Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh.**

January 31, 2020
seema

(HARI PAL VERMA)
JUDGE

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