

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

264

CRM-M-40208-2019

Date of Decision:30.01.2020

Vinay Arora

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Chandan Singh Rana, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Vikrant Punia, 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 FIR No.20 dated 02.03.2018 under Sections 406, 498-A IPC, registered at Police Station Women, District Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 03.05.2019(Annexure P-2).

This Court vide order dated 19.09.2019 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, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 20.12.2019 to the effect that the parties have

compromised the matter out of their free will, voluntarily, without any sort

of pressure, coercion and fear.

Respondent No.2-complainant, namely, Mamta has made a statement with regard to compromise before learned Magistrate on 13.11.2019. The same is reproduced as under:-

“Stated that I got lodged FIR no.20 dated 02.03.2018, U/s 406 & 498-A of the IPC, P.S. Women, Ludhiana, against the accused namely Vinay Arora aged about 29 years S/o Sh. Om Parkash Arora, R/o # 2, Opposite Prashar Academy, New Dyal Bagh, Nagpal Chowk, Near Oriental Bank, Badial Road, Ambala Cantt. Ambala (Haryana). Now, I have entered into compromise with the accused out of my free Will and without any sort of pressure and fear. The petition U/s 13-B of HMA is pending in the court of Sh. Rakesh Kumar Sharma, Ld. Additional Principal Judge, Family Court, Ludhiana, for 20.11.2019 for recording second motion in which the remaining amount of Rs.1,40,000/- shall be given by the accused to me. The copy of petition along with other documents is Ex.C1 (consisting of 9 pages). As such, I do not want to pursue with the present FIR against the accused as the matter has been compromised. I have no objection, if the aforesaid FIR is quashed against the accused. Accordingly, I will not initiate any legal proceedings regarding the said FIR against the accused. Today I have brought my Aadhar card as proof of my identity and the photocopy of same is Ex.PA.”

Learned counsel for the petitioner states that the parties have filed the petition under Section 13-B of the Hindu Marriage Act and decree of divorce has been granted and the agreed amount has been paid by the petitioner to respondent No.2. This fact is not disputed by learned counsel for respondent No.2.

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.20 dated 02.03.2018 under Sections 406, 498-A IPC, registered at Police Station Women, District Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 03.05.2019(Annexure P-2), subject to payment of costs of ₹10,000/- to be deposited by the petitioner 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 30, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No