

265.

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

CRM-M-40765-2019

Date of decision: 03.02.2020

RAJIV KUMAR AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Kewal Krishan, Advocate, for
Mr. R.D. Rattewal, Advocate,
for the petitioners.

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

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 F.I.R. No.0007 dated 23.01.2019 registered under Sections 406, 498-A of IPC at Police Station Sadar Phagwara, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement/agreement dated 17.09.2019 entered between the parties before the Mediation and Conciliation Centre of this Court (Annexure P-2).

This Court vide order dated 23.09.2019 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, Phagwara and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 25.11.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any coercion or threat.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Rajni Bala but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 18.11.2019. The same is reproduced as under:-

“Stated that FIR no.0007 dated 23.01.2019 u/s 498-A & 406 IPC, PS Sadar, Phagwara was registered on my statement against Rajiv Kumar, Jagdish Kaur & Harblas. Now I have compromised the matter with the all the accused named above. I do not want to proceed with the present case. I have compromised the matter with the said accused out of my free will and the same is voluntarily and without any kind of undue influence or coercion or pressure. The compromise is genuine between me and accused. I have no objection if the FIR against Rajiv Kumar and Jagdish Kaur is quashed by the Hon'ble High Court. Ex.C1 is the copy of my Aadhar Card.”

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 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.0007 dated 23.01.2019 registered under Sections 406, 498-A of IPC at Police Station Sadar Phagwara, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of settlement/agreement dated 17.09.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- 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