

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

290

CRM-M-41645-2019

Date of Decision:24.02.2020

Rahul Virdi

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Amit Dhawan, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Abhimanyu Vinayak, 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.11 dated 17.06.2019 under Section 498-A IPC, registered at Police Station NRIs, Kapurthala(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 22.08.2019(Annexure P-2).

This Court vide order dated 27.09.2019 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 Addl. Chief Judicial Magistrate, Kapurthala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 01.11.2019 to the effect that the parties have entered into compromise voluntarily and the compromise is genuine.

Respondent No.2-complainant, namely, Monika Rani, has made a statement with regard to compromise before learned Magistrate on 23.10.2019. The same is reproduced as under:-

“Stated that a FIR bearing No.11 dated 17.06.2019, under section 498-A IPC PS NRI Kapurthala was lodged against accused Rahul Viridi, aged about 27 years S/o Dev Ran R/o H. NO.B1/1224, Bara Pind Road Goraya, Backside BSNL, Exchange, Tehsil Phillaur, District Jalandhar at present resident at 5842, Ballinger DR LAS VEGAS NV 891422600, USA. Now, I have entered into compromise with the aforementioned accused with the intervention of respectable persons of the Village. I have entered into compromise with my free Will, without any pressure or influence from any corner. We have already attached the compromise in the Hon'ble Punjab and Haryana High Court for quashing of the FIR. We want to lead peaceful social life. Now, the abovesaid accused have applied for the quashing of above-said FIR before the Hon'ble Punjab and Haryana High Court. The compromise between us is voluntary without any pressure or coercion. There was one person nominated as accused namely Rahul Viridi, aged about 27 years S/o Dev Ram in the instant FIR. I have no objection if the present FIR is quashed against abovesaid accused. There is no other criminal litigation pending between me and the accused. I have applied for decree of divorce and the same is pending in the court of Ms. Preeti Sahni, Ld. Principal Judge, Family Court, Jalandhar, Camp Court at Phillaur.”

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 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.11 dated 17.06.2019 under Section 498-A IPC, registered at Police Station NRIs, Kapurthala(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 22.08.2019(Annexure P-2), subject to payment of costs of ₹25,000/- 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 24, 2020
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(HARI PAL VERMA)
JUDGE

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