

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-41796-2019(O&M)

Date of Decision:24.02.2020

Pankaj Kumar Shah and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Charanpreet Singh, 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.74 dated 09.09.2017 under Sections 406, 498-A IPC, registered at Police Station Women, District Police Commissionerate Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 18.07.2019(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 Judicial Magistrate 1st Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.12.2019 to the effect that the parties have

pressure, coercion and fear.

Though no one is present on behalf of respondent No.2-complainant-Baby Kumari in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 30.11.2019. The same is reproduced as under:-

“Stated that I got lodged FIR no.74 dated 09.09.2017, U/s 406 & 498-A of the IPC, P.S. Women, Ludhiana, against the accused persons namely Pankaj Kumar Shah aged about 31 years S/o Ram Parvesh Shah, Ram Parvesh Shaha aged about 64 years S/o Ram Lakhan Shah and Nirmala Devi aged about 58 years W/o Ram Parvesh Shah, all R/o MS-14/4, Burupur Gurudwara Road, District Burdwan, presently residing at Quarter no.D-5/4, SAIL-ISP, Burnpur, P.S. Hirapur, District Burdwan, West Bengal. Now, I have entered into compromise with the accused persons 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 02.12.2019 for recording the statement. The compromise between me and accused persons have been effected in a lump sum amount of Rs.2 lacs. The said amount will be given by accused Pankaj Kumar Shah on 15.01.2020 and 10.02.2020, respectively. As such, I do not want to pursue with the present FIR against the accused persons as the matter has been compromised. I have no objection, if the aforesaid FIR is quashed against the accused persons. Accordingly, I will not initiate any legal proceedings regarding the said FIR against the accused persons. Today I have brought my Aadhar card as proof of my identity and the photocopy of same is Ex.PA.”

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.74 dated 09.09.2017 under Sections 406, 498-A IPC, registered at Police Station Women, District Police Commissionerate Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 18.07.2019(Annexure P-2), subject to payment of costs of ₹5,000/- to be paid by the petitioners, 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
seema

(HARI PAL VERMA)
JUDGE

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