

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-42016 of 2019

Date of Decision: 13.03.2020

Abhyuday Ratra & others

...Petitioner(s)

Versus

State of UT, Chandigarh & another

...Respondent(s)

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

Present:- Mr. D.S. Adlakha, Advocate
for the petitioners.

Mr. Rajiv Vij, APP, UT, Chandigarh.

Ms. Jasneet Mehra, Advocate for
Mr. Deepak Arora, 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.107 dated 19.08.2019 under Sections 406, 498-A IPC registered at Women Police Station, Chandigarh (Annexure P-1) and subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

This Court vide order 30.09.2019 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa

Magistrate/Trial Court was directed to submit its report regarding the

genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Judicial Magistrate Ist Class, Chandigarh and got their statements recorded. Learned Magistrate has forwarded her report dated 28.01.2019 to the effect that the compromise arrived at between the parties is genuine and voluntary and the same is not the result of any pressure, coercion or undue influence.

The statement of the complainant-Nupur recorded on 25.11.2019 reads as under:-

“Stated that in the present FIR bearing No.107 dated 19.08.2019, under Section 406, 498-A of IPC, PS Women Sec-17, UT, Chandigarh was registered against the accused Abhyuday Ratra, Vijay Kumar Ratra & Prabha Ashok Ratra i.e. the present petitioners on my statement. Now, I have compromised the matter with the above-said accused persons with the intervention of the respectables vide compromise deed, copy of which is Ex.C1, the original of which has been placed on record in the petition pending before Hon’ble High Court. I have entered into the said compromise with my own free will without any coercion or any pressure and today I have given my statement voluntarily, without any pressure or coercion. I have no objection if FIR bearing No.107 dated 19.08.2019, under Section 406, 498-A of IPC, PS Women Sec-17, UT, Chandigarh, be quashed qua the above said accused persons. Copy of my identify card is Ex.C2. Further, compromise effected between me and accused persons is not having any adverse effect on the rights of any third party. I am the only aggrieved person in the present case. In this case, challan has not been presented till today to my knowledge”.

Learned State counsel does not dispute the factum of compromise effected between the parties.

However, counsel for the complainant submits that though the matter has compromised between the parties, but an amount of Rs.7,50,000/- is yet to be paid by the petitioner to the complainant and thus, the petitioner be bound down to make the said payment at the time of recording of second motion statements.

The argument of counsel for the complainant carries weight. There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties and no useful purpose would be served to continue with the proceedings in the instant FIR. Therefore, the present petition deserved be allowed subject to payment of remaining amount of Rs.7,50,000/- to the complainant at the time of recording of second motion statements in the proceedings under Section 13-B of the Hindu Marriage Act.

Hon'ble the Apex Court in **Gold Quest International Private Ltd. vs. 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.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1352 (P&H), as approved

by the Hon'ble Supreme Court in *Gian Singh vs. State of Punjab and others, (2013)13 SCC 303* and *Gold Quest International Private Ltd. (supra)*, this petition is allowed and FIR No.107 dated 19.08.2019 under Sections 406, 498-A IPC registered at Women Police Station, Chandigarh (Annexure P-1) and the subsequent proceedings arising therefrom are quashed *qua* the petitioners, on the basis of compromise (Annexure P-2) subject to payment of remaining amount of Rs.7,50,000/- to the complainant at the time of recording of second motion statements in the proceedings under Section 13-B of the Hindu Marriage Act. The parties shall adhere to the terms and conditions of the compromise deed dated 06.09.2019. However, this will be subject to payment of costs of Rs.10,000/-, which shall be paid by the petitioners in the Lawyers Welfare Fund of Punjab and Haryana High Court Bar Association.

March 13, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No`