

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

282

CRM-M-42913-2019

Date of Decision:27.02.2020

Vishal Arora

.....Petitioner

Versus

Union Territory, Chandigarh and another

.....Respondents

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

**Present: Mr. S.S. Killianwali, Advocate for
Mr. Ankit Bishnoi, Advocate,
for the petitioner.**

Mr. Gautam Dutt, APP for UT, Chandigarh.

**Ms. Sushma Varma Syal, 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.79 dated 27.06.2019 under Sections 406, 498-A IPC, registered at Women Police Station, District Chandigarh (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 13.08.2019(Annexure P-2).

Power of attorney filed on behalf of respondent No.2 today in the Court, is taken on record.

This Court vide order dated 04.10.2019 had directed the parties to appear before the trial Court/Illaqa 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, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.01.2020 to the effect that the compromise effected between the parties seems to be genuine and voluntarily which is not the result of any pressure, coercion or undue influence.

Respondent No.2-complainant, namely, Pooja Arora, has made a statement with regard to compromise before learned Magistrate on 16.01.2020. The same is reproduced as under:-

“Stated that the present FIR bearing No. 79 dated 27.06.2019 under Section 406, 498-A of IPC, PS Women Sec-17, UT, Chandigarh was registered against the accused namely Vishal Arora i.e. the present petitioner on my statement. Now I have compromised the matter with the above-said accused in the mediation and conciliation centre, District Courts, Chandigarh, the certified copy of which is Ex.C1. 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. 79 dated 27.06.2019, under Section 406, 498-A of IPC, PS Women Sec-17, UT, Chandigarh, be quashed qua the above said accused. Copy of my identity card is Ex.C2. Further, compromise effected between me and accused is not having any adverse effect on the rights of any third party. In this case, challan has not been presented till today as per my knowledge and the case is still under investigation. The present case was registered only against accused/petitioner Vishal Arora.”

Learned State counsel as well as learned counsel for respondent No.2-complainant 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.79 dated 27.06.2019 under Sections 406, 498-A IPC, registered at Women Police Station, District Chandigarh (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 13.08.2019(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.**

February 27, 2020
seema

(HARI PAL VERMA)
JUDGE

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