

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

272

CRM-M-44301-2019

Date of Decision:27.01.2020

Mandhir Bajaj

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. J.S. Bhatia, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Chanakya Batta, 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.130 dated 01.08.2019 under Sections 498-A, 506 IPC, registered at Police Station City Rupnagar(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 01.10.2019(Annexure P-2).

This Court vide order dated 17.10.2019 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 Chief Judicial Magistrate, Rupnagar 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 parties have effected compromise with their own sweet will, voluntarily without any pressure and coercion in any manner.

Respondent No.2-complainant, namely, Deepika, has made a statement with regard to compromise before learned Magistrate on 18.11.2019. The same is reproduced as under:-

“Stated that FIR No.130 dated 01.08.2019 registered at Police Station City Ropar, under Section 498A, 506 IPC has been registered on my statement. Now, I have compromised the matter with accused Mandhir Bajaj, who is my husband. Copy of compromise is Mark A. I have compromised the matter out of my own sweet will, without any undue influence and pressure and I agree with the same. I have no objection if the present FIR against aforesaid accused person is quashed. Copy of my aadhaar card is mark B. There is no other complainant as well as accused except me and the accused person named above in this present FIR. Accused has not been declared proclaimed person in this matter as well as any other matter till date.”

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.130 dated 01.08.2019 under Sections 498-A, 506 IPC, registered at Police Station City Rupnagar(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 01.10.2019(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**, within the time stipulated here-in-above.

January 27, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No