

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-45450 of 2019.

Decided on:- October 06, 2020.

Rajeev Chopra and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Ms. Satwant Mehta, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr. Kanwar Pahul Singh, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.41 dated 05.06.2018 under Sections 406 and 498-A IPC registered at Police Station Women, District Police Commissionerate, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement agreement dated 23.07.2019 (Annexure P-2) arrived at the Mediation and Conciliation Centre of this Court.

This Court vide order dated 24.10.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective

statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2 have appeared before learned Judicial Magistrate 1st Class, Amritsar and got their statements recorded on 04.12.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 29.01.2020 to the effect that the compromise effected between the parties is without any pressure, coercion, threat or undue influence.

The FIR in question was registered on the basis of statement of respondent No.2-complainant Ashima Chopra @ Ashima Soi. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 04.12.2019 reads as under:

“An FIR No.41 dt. 05.06.2018 u/s 406, 498-A IPC, PS Women Cell, Amritsar has been registered against the accused Rajeev Chopra, Rashma Chopra (deceased) and Rajinder Kumar Chopra on my statement.

Now with the intervention of the respectable I alongwith Rajeev Chopra and Rajinder Kumar Chopra have effected a compromise dt. 23.07.2019, the copy of which is Ex.C1. I have no objection if above said FIR is quashed by the Hon’ble Punjab and Haryana High Court. The compromise has been effected voluntarily, without any pressure, coercion or undue influence. I identify my signatures upon the compromise Ex.C1 at point A.”

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, the amount of

Rs.18 lakh has already been paid by the petitioners to respondent No.2-complainant in terms of the settlement.

This fact has not been disputed by learned counsel for respondent No.2-complainant.

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

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

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 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.

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*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as well as the law laid down in ***Gold Quest International Private Limited's case (supra)***, the present petition is allowed and the FIR No.41 dated 05.06.2018 under Sections 406 and 498-A IPC registered at Police Station Women, District Police Commissionerate, District Amritsar (Annexure P-1) and all consequential proceedings arising therefrom are quashed

qua the petitioners on the basis of settlement agreement dated 23.07.2019 (Annexure P-2) arrived at the Mediation and Conciliation Centre of this Court, however, subject to payment of total costs of Rs.15,000/-, which shall be deposited by the petitioners with the Bar Association of this Court within a period of one month from today.

October 06, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No