

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

CRM-M-62323 of 2018.

Decided on:- March 13, 2020.

Chiranjeev Bharadwaj and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Surinder Pal, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, A.A.G., Punjab.

Mr. Rajinder Kumar, Advocate for
Mr. P.S. Dhaliwal, 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.319 dated 28.07.2018 under Sections 498-A and 406 IPC registered at Police Station City Barnala, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement agreement dated 05.09.2018 (Annexure P-2) arrived at the Mediation and Conciliation Centre, Barnala.

This Court vide order dated January 07, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise on 28.01.2019 and the Court was directed to send its report qua genuineness of the compromise. Since the

parties could not appear before learned Magistrate on 28.01.2019, vide order dated September 11, 2019, the parties were again directed to appear before the Illaqa Magistrate/trial Court on 27.09.2019 to get their statements recorded in terms of order dated 07.01.2019 passed by this Court.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2 have appeared before learned Chief Judicial Magistrate, Barnala and got their statements recorded on 27.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 19.10.2019 to the effect that the compromise effected between the complainant and accused is genuine, without any pressure and coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Shivangi. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 27.09.2019 reads as under:

“Stated that I am complainant in this case and the present FIR no.319 dated 28.07.2018, under Section 498A, 406 of IPC, PS City Barnala was registered on my statement against the accused Chiranjeev Bhardwaj, Mukesh Kumar Bhardwaj and Smt. Ujjala, all residents of H.No.507 Sector-1 Manesar District Gurugram. Now I have compromised the matter with the all the above named three accused without any pressure, coercion with the intervention of respectable. I have no objection if FIR no.319 dated 28.07.2018, under Section 498A, 406 of IPC, PS City Barnala be quashed.”

Learned counsel for respondent No.2 does not dispute the factum of compromise between the parties.

Learned State counsel also does not dispute the factum of compromise between the parties. However, she states that the matter is still under investigation.

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.319 dated 28.07.2018 under Sections 498-A and 406 IPC registered at Police Station City Barnala, District Barnala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of settlement agreement dated 05.09.2018 (Annexure P-2) arrived at the Mediation and Conciliation Centre, Barnala, however, subject to payment of costs of Rs.10,000/- to the Government Multi Speciality Hospital, Sector-

16, Chandigarh, which shall be paid by the petitioners within a period of one month from today. This amount shall be utilized for the welfare of poor and needy patients under the supervision of concerned Medical Superintendent.

March 13, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No