

120

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

**CRM-M-47443-2017 (O&M)
Date of decision : 25.09.2023**

Precious

... Petitioner(s)

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sharad Choudhary, Advocate,
for the petitioner.

Mr. Ashok K. Chaudhry, Addl.A.G., Haryana.

Mr. Sushil Sheoran, Advocate,
for the respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.0436 dated 04.11.2017 (**P-1**), under Section 389 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station, Dadri City, District Charkhi Dadri, along with all consequential proceedings arising therefrom.

2. Allegations are that petitioner was putting the husband of complainant in fear of false implication to extort money.

3. This Court, on 21.09.2023, passed the following order:-

“In compliance of previous order, petitioner-Precious as well as respondent No.2-Anita along with her husband Sanjay are present in Court and jointly stated that they are inclined to settle the matter before the Mediator.

If that be so, let both sides i.e. petitioner as well as respondent No.2 along with her husband appear before Mediator, Mediation and Conciliation Centre of this Court on 22.09.2023, for exploring the possibility of an amicable settlement, if any.

Report be submitted to this Court on or before 25.09.2023.”

4. In terms of aforesaid order, parties appeared before the Mediator and have resolved the controversy at their own level and operative part of the settlement/agreement dated 22.09.2023, entered into between the petitioner as well as respondent No.2, reads as under:-

“1. Precious first party lodged the FIR No.310 dated 09.08.2017, under Sections 328, 376(2) (n) of Indian Penal Code in Police Station City Dadri District Charkhi Dadri against Sanjay Mechu-husband of Anita Devi-second party. After investigation, police submitted the cancellation report against accused Sanjay and Mechu. The same submitted before the learned Chief Judicial Magistrate, Charkhi Dardri in which complainant- precious sought time to file protest petition. Now, the matter has been settled between the parties and the complainant-Precious do not want to proceed the case further and she will not file any protest petition or any further appeal or proceeding in the abovesaid FIR. If the cancellation report, is accepted then the complainant-Precious had no objection.

2. Smt. Anita Devi wife of Dr. Sanjay Mechu also lodged the FIR No.436 dated 04.11.2017, under Section 389 of Indian Penal Code in Police Station Dadri City, District Charkhi Dadri against the first party- Precious. In this FIR, petition under Section 482 of Cr.P.C for quashing the FIR is pending in this Hon'ble High Court, bearing CRM-M-47443 of 2017 titled as 'Precious versus State of Haryana and another' in which complainant-Anita Devi-respondent No.2 also settled the matter and she had no objection to quashing the abovesaid FIR. Now, the matter has been settled between the parties and the complainant-Anita Devi do not want to

proceed the case further and she will not file any other petition or appeal against the accused in the abovesaid FIR.

3. The matter was referred to Mediation & Conciliation Centre vide an order dated 21.09.2023 passed by Hon'ble Mr. Justice Mahabir Singh Sindhu.

4. The parties agreed that Ms. Hema Sharma, Advocate would act as their Conciliator/Mediator in the matter of Mediation and Conciliation proceedings.

5. The parties have with the assistance of the Mediator and close relatives voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences. The parties hereto confirm and declare that they have agreed on each and every term recorded in the settlement agreement after carefully reading over and fully appreciating and understanding the contents, scope and effect thereof, as also the consequences of the breach thereof including payment of fine/penalty/ forfeiture. The following litigations are pending between the parties and declare that they have voluntarily and of their own free will arrived at this Settlement/Agreement in the presence of the Mediator which are as follows:

i) Present CRM-M-47443 of 2017 titled as 'Precious versus State of Haryana and another' now fixed for 25.09.2023.

ii) Protest pending in FIR No.310 dated 09.08.2017, under Sections 328,376(2) (n) of Indian Penal Code, registered at Police Station City Dadri against Sanjay Mechu pending before the learned Chief Judicial Magistrate, Charkhi Dardri for 18.03.2024 to file the protest petition. Now on the basis of settlement in CRM-M-47443 of 2017, the complainant-Precious, undertakes not to file the protest petition or any other proceedings in the abovesaid FIR.

iii) Both the parties are agreed that they will not proceed any other complaint relating to the abovesaid both the cases, in future.

iv) Both the parties have agreed that they will not defame or malinge (sic, malign) the image of each other in the society and will live peacefully.

6. Both the parties undertakes that they will abide by and be bound by the agreed terms of the settlement agreement in case of breach of any of the conditions so stipulated in the settlement agreement by either of the party it will amount to contempt of Court and will have to face consequences.

7. Both the parties will file their respective affidavits affirming the terms and conditions of the settlement, as also stating that the same have been arrived at out of their own free will and volition after fully understanding the contents thereof and there would be liable for penal action in case of breach.

8. By signing this agreement the parties hereto state that they have no further claims or demands against each other with respect to the suit/claim/proceedings filed by them and all the disputes and differences in this regard have been amicably settled by the parties hereto through the process of Conciliation/Mediation and shall not institute any other case against each other with reference to the present dispute.

9. That it has been further agreed between the parties that in case of necessity, both the parties shall be free to present the copy of the above agreement before any authority or Court if the same is required to witness the execution of the settlement/agreement or to settle any pending controversy between the parties.”

5. Perusal of the above extract reveals that both sides have settled the dispute and there is no grievance left against each other. Even before this Court also, learned counsel representing both sides i.e. petitioner as well as respondent No.2 acknowledged that matter has been amicably settled.

6. Learned State counsel, on instructions from the quarter concerned, also submitted that they have no objection in case the present FIR along with all consequential proceedings is quashed and set aside.

7. In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not affect any public peace or tranquility. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of above settlement would bring peace and harmony to secure the ends of justice.

8. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed and set aside qua the petitioner.

9. Needless to say that petitioner as well as respondent No.2 shall be bound by their respective stand taken before the Mediator, resulting into settlement dated 22.09.2023, noticed hereinabove.

25.09.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : **Yes / No**
Whether reportable : **Yes / No**