

Vinay Bedi Vs State Of Punjab And Another

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Feb. 19, 2021

Acts Referred: Code Of Criminal Procedure, 1973 â€” Section 482

Indian Penal Code, 1860 â€” Section 406, 498A

Hindu Marriage Act, 1955 â€” Section 13B

Constitution Of India, 1950 â€” Article 226

Hon'ble Judges: Hari Pal Verma, J

Bench: Single Bench

Advocate: Arpan Sabharwal, Harpreet Singh Multani, Sandeep Arora

Final Decision: Allowed

Judgement

Hari Pal Verma, J

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 F.I.R. No.164 dated 31.12.2016 registered under Sections 406, 498-A of IPC

at Police Station Women Cell, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated

23.01.2020 (Annexure P-2).

This Court vide order dated 11.02.2020 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. However, the parties could not appear and again vide

order dated 25.01.2021, parties were directed to get their statements recorded in terms of order dated 11.02.2020 passed by this Court.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. On

the basis of the statements so recorded, learned Magistrate has submitted report dated 16.02.2021 to the effect that the compromise has been

effected between the parties voluntarily, without any kind of pressure,threat or undue influence. Respondent No.2-complainant, namely, Neha has

made her statement with regard to compromise before learned Magistrate on 12.02.2021. The same is reproduced as under:-

“Stated that I am resident of above said address and an FIR no.164 dated 31.12.2016 under Section 406, 498-A IPC PS Women Cell, Jalandhar

was registered against the Vinay Bedi on my statement. The matter has been compromised with the above said accused Vinay Bedi in the presence

of respectables of the locality on the basis of the said compromise Ex.A1. As per compromise Ex.A1 today, I have received amount of Rs.4,12,500/-

in cash from Vinay Bedi. I have no objection, if the above said FIR/case be quashed. The above said compromise is genuine, voluntarily and without

coercion or undue influence. None of the accused is proclaimed Offender in this case. I give my statement without any undue influence and the same

is with my free consent. I identify my signatures on the compromise Ex.A1 at Point A to Point H. Today I have brought my original Adhar Card and

copy of the same is Ex.A2 which is duly signed by me.”

Counsel for the petitioner submits that the matter has been compromised between the parties and the proceedings under Section 13-B of Hindu

Marriage Act has also been filed in which first motion statement has been recorded and second motion statement is to be recorded on 22.02.2021.

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 FIR.

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

also in the light of Gold Quest International Private Limited's case (supra), this petition is allowed and F.I.R. No.164 dated 31.12.2016 registered under

Sections 406, 498-A of IPC at Police Station Women Cell, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed

qua the petitioner on the basis of compromise dated 23.01.2020 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to

be deposited by the petitioner with the High Court Bar Association in the Lawyers' Welfare Fund, within one month from today.