

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

CRM-M-32381-2016

Date of Decision: 31th July, 2017

GAUTAM BHATIA

...Petitioner

V/S

STATE OF PUNJAB & ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab
for respondent No.1.

Mr. Shubham Kausik, Advocate
for respondent No.2.

H.S. MADAAN, J. (Oral):

This petition under Section 482 Cr.P.C for quashing of FIR No. 109 dated 18.12.2013 for offences under Sections 406, 498-A & 120-B of Indian Penal Code (hereinafter referred to as 'IPC'), Police Station Women Cell, Jalandhar alongwith subsequent and consequential proceedings arising out of it, has been filed by Gautam Bhatia, who is an accused in the said FIR, on the basis of compromise between the parties. When the petition was came up for hearing, vide order dated 14.02.2017, the parties were directed to get their statements recorded before the Illaqa Magistrate/trial Court and Illaqa Magistrate/trial Court was directed to send the report with regard to validity or otherwise of the compromise after recording the statements of all the

concerned parties. Report from the Judicial Magistrate Ist Class, Jalandhar, has been received, who has intimated that complainant-Sushma Rani had got recorded her statement to the effect that she has compromised the dispute with the accused-**Gautam Bhatia at her own, without any** pressure, coercion or undue influence. She has no objection if the FIR is quashed against accused-Gautam Bhatia. She has admitted the genuineness of compromise by stating that the petition for divorce is pending before this Court. Similarly, statement of Gautam Bhatia has been recorded, who has admitted the factum of compromise having been arrived at between the parties with the intervention of respected persons without any pressure. The Magistrate has reported that such compromise is genuine and has been effected voluntarily between the parties without any pressure, coercion or undue influence and the same is not having any adverse affect upon the rights of any third party. Copies of such statements have been enclosed

I have heard the learned counsel for the petitioner, learned State counsel and learned counsel for respondent No.2 besides going through the record.

Keeping in view the fact that the dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction,

then it truly is “*finest hour of justice*”. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

The compromise is in interest of peace and tranquility in the society and for such like reasons, this Court can quash the FIR and ancillary proceedings exercising the power under Section 482 Cr.P.C. It appears to be a fit case to exercise such powers.

Therefore, the FIR in question and the proceedings in the form of challan pending in the Court of Mr. Gagandeep Singh, Judicial Magistrate Ist Class, Jalandhar, are hereby quashed.

The petition is allowed, accordingly.

(H.S. Madaan)
Judge

31.07.2017

Nisha-I

Whether speaking/reasoned: **Yes**

Whether Reportable: **No**