

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

CRM-M-2707 of 2019.

Decided on:- March 27, 2019.

Gautam Kalia and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- None for the petitioners.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.95 dated 02.09.2016 under Sections 498-A and 406 IPC registered at Women Police Station, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.08.2018 (Annexure P-2).

This Court vide order dated January 22, 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-complainant have appeared before learned Judicial Magistrate 1st Class, Ludhiana and got their statements recorded on 18.02.2019. On the basis of the statements so recorded by the parties, learned

Magistrate has submitted the report dated 22.02.2019 to the effect that the compromise is genuine, without any pressure or fear.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Ashu Kaliya. Though nobody has appeared on her behalf in Court today, but it would not cause any prejudice to her, as she has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded before learned Magistrate on 18.02.2019 reads as under:

“That I had lodged FIR NO.95 dated 02.09.16, U/s 406, 498-A IPC, PS Women Cell, Ludhiana against the accused Gautam Kaliya s/o Jawahar Lal Kaliya and Aarti Kaliya w/o Jawahar Lal Kaliya both r/o 8 Block C Bhai Himmat Singh Nagar Ludhiana. That I have compromised the matter with accused on the basis of compromise placed in the petition file before the Hon’ble High Court. I have no objection if the FIR against accused is quashed. That I am the complainant in the said FIR and today I am giving my statement out of my free will and consent, without any coercion and there is no pressure on me.”

Learned State counsel, on instructions from ASI Makhan Singh, has not disputed the factum of compromise effected 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.95 dated 02.09.2016 under Sections 498-A and 406 IPC registered at Women Police Station, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.08.2018 (Annexure P-2), however, subject to payment of costs of Rs.10,000/- to be paid by the petitioners to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

March 27, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No