

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

CRM-M-4413 of 2019.

Decided on:- May 09, 2019.

Devesh Sharma.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Rajesh Gupta, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

Mr. Gulzar Mohd., Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.16 dated 05.02.2015 under Sections 406 and 498-A IPC registered at Police Station Women, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 08.01.2019 (Annexure P-2) effected between the parties.

This Court vide order dated 30.01.2019 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 petitioner as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Ludhiana and got their statements recorded on 25.02.2019. On the basis of the statements so recorded by the parties, learned

Magistrate has submitted the report dated 27.02.2019 to the effect that the compromise between the parties is genuine and is effected voluntarily without any pressure, coercion or undue influence from any quarter.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Anandna Sharma. Her statement made before learned Magistrate on 25.02.2019 in support of the compromise reads as under:

“The matter has been compromised between me and the accused Devesh Sharma. The compromise deed is Ex.RX which bears my signature as well as my counsel. I have arrived at compromise with the respondent/accused with my free will and consent without their being any pressure and I have no objection if Hon’ble Punjab and Haryana High Court Chandigarh quash the FIR bearing No.16 dated 05.02.2015 u/s 406/498-A, PS Women Cell, Ludhiana against the accused. I am entitled to get my gold ring which is lying with police of PS Women Cell, Ludhiana for which no one have any objection. I have received the balance amount of Rs.1,50,000/- from the accused today in the court.”

Learned State counsel and learned counsel for respondent No.2-complainant have also not disputed the factum of compromise effected between the parties. Power of attorney filed on behalf of respondent No.2 in Court today, is taken on record.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner 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.16 dated 05.02.2015 under Sections 406 and 498-A IPC registered at Police Station Women, Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 08.01.2019 (Annexure P-2) effected between the parties, however, subject to payment of costs of Rs.10,000/- to be paid by the petitioner 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.

May 09, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No