

CRM-M-5577-2019 (O&M)

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

**CRM-M-5577-2019 (O&M).
Decided on: May 22, 2019.**

Harliv Singh Arora

.. Petitioner

VERSUS

State of Punjab and another

.. Respondents

* * *

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

* * *

**PRESENT Mr.Monty Goyal, Advocate,
for the petitioner.**

Mr.Jagmohan Ghumman, DAG, Punjab.

None for complainant - respondent No.2.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0065 dated 28.8.2018, under Sections 498-A and 406 IPC, registered at Police Station Women, Police Commissionerate, Ludhiana, District Ludhiana (**Annexure P-1**) and all subsequent proceedings arising therefrom on the basis of compromise dated 3.10.2018 (**Annexure P-2**).

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This Court vide order dated 6.2.2019 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate First Class, Ludhiana on 6.3.2019, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 7.3.2019, to the effect that the parties appeared in the Court on 6.3.2019, and statements of respondent No.2 - complainant Manmeet Kaur and accused-petitioner Harliv Singh Arora regarding compromise have been recorded. The learned Magistrate has further reported that the complainant has admitted the genuineness of compromise and from the statements of the parties it is clear that the parties have compromised the matter out of their free will and without any pressure or fear. There is only one accused in the FIR and no one from the side of accused has been declared as proclaimed offender/person and that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Manmeet Kaur, but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 6.3.2019. The same is reproduced as under:-

“Stated that I got lodged FIR No.65 dated 28.8.2018 u/s 406 and 498-A IPC P.S.Women, Cell, Ludhiana, against the accused namely Harliv Singh Arora s/o Pritpal Singh, R/o House No.14/15, Kewal Park Extension, opposite Mandi Out Gate, Azadpur, Delhi. Now, I have entered into compromise with the accused namely Harliv Singh Arora s/o Pritpal Singh, out of my free will and without any sort of pressure and fear. As such, I do not want to pursue with the case against the above said accused, as the matter has been compromised. The petition u/S 13-B of HMA is pending in the Court of Ms.Sanjeeta Ld. ASJ, Ludhiana, for 6.4.2019, for recording second motion statement. Copy of compromise is EX.C1. At the time of recording 1st motion station, I received Rs.8 lacs total i.e. Rs.6 lacs through draft and Rs.2 lacs in cash from the accused. As per compromise, a draft bearing no.180235 dated 01.03.2019, amounting to Rs.4 lacs 50 thousands received from accused today in the Court. Rest of the payment as per compromise i.e. Rs.6 lacs shall be paid by the accused at the time of recording second motion statement in petition u/s 13-B of HMA. Both the parties are bound to comply with the conditions of compromise EX.C1. I have no objection, if the said FIR be quashed against the above said accused. Accordingly, nobody would initiate any legal proceedings regarding the said FIR against each other. Today, I have brought my passport as proof of my identity and the photocopy of same is Ex.PA.”

Learned State counsel has 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.0065 dated 28.8.2018, under Sections 498-A and 406 IPC, registered at Police Station Women, Police Commissionerate, Ludhiana, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner, on the basis of compromise dated 3.10.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute

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of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

May 22, 2019.
raj arora

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No