

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

CRM-M-22209 of 2018.

Decided on:- April 30, 2019.

Rakesh Kumar.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Arpan Sabharwal, Advocate
for the petitioner.

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.4 dated 16.01.2016 under Sections 406 and 498-A IPC registered at Police Station Women Cell, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 28.09.2017 (Annexure P-2) effected between the parties.

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 petitioner as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Ludhiana and got their statements recorded on

27.02.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 28.02.2019 to the effect that the parties have compromised the matter with their free will and without any pressure and influence and the compromise between the parties appears to be genuine, voluntarily and valid.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Ravi Bala. Though none has put in appearance on her behalf, but it will not cause any prejudice to her as she has made a specific statement before learned Magistrate in support of the compromise. The statement so made by respondent No.2-complainant before learned Magistrate on 27.02.2019 reads as under:

“That an FIR No.4 dated 16.01.2016 was registered at PS Women Cell, Ludhiana against the accused Rakesh Kumar. I am the complainant of the above said FIR. With the intervention of the respectable, I have compromised the matter with the accused voluntarily without any pressure or any threat. Accused have preferred quashing petition before the Hon’ble Punjab and Haryana High Court. The compromise is genuine. Copy of compromise dated 28.09.2017 already on the judicial file which is Ex.C1. I have no objection if the case FIR and other consequential proceedings against the accused are quashed.”

Learned State counsel has also 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 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.4 dated 16.01.2016 under Sections 406 and 498-A IPC registered at Police Station Women Cell, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 28.09.2017 (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.

April 30, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No