

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

CRM-M-29018 of 2019.

Decided on:- October 16, 2019.

Gulshan Sharma and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Ms. Harmanpreet Kaur, Advocate
for the petitioners.

Mr. Saurav Khurana, D.A.G., Punjab.

Respondent No.2-complainant in person.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.4 dated 15.01.2019 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 settlement/compromise dated 10.05.2019 (Annexure P-2) arrived at the Mediation and Conciliation Centre of this Court.

This Court vide order dated 11.07.2019 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 13.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 14.08.2019 to the effect that the parties have compromised the matter out of their free will, voluntarily, without any sort of pressure, coercion and fear.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Aarti. She has made a statement before learned Magistrate on 13.08.2019 in support of the compromise. Her statement so recorded by learned Magistrate reads as under:

“Stated that I got lodged FIR NO.04 dated 15.01.2019, U/s 406 & 498-A of the IPC, P.S. Women, Ludhiana, against the accused persons namely Gulshan Sharma aged about 33 years S/o Ravi Parkash Sharma and Ravi Parkash Sharma aged about 64 years S/o Ganga Sharan Sharma, both R/o St. No.5, Anand Vihar, Near Saraba Public School, Phullanwal, District Ludhiana. Now, I have entered into compromise with the accused persons out of my free Will and without any sort of pressure and fear. Now, all doubts between me and accused persons have been cleared. The petitioner U/s 13-B of HMA is pending in the court of Sh. R.K. Sharma, Ld. Additional Principal Judge, Family Court, Ludhiana, for 30.01.2020 for recording second motion statement. Copy of compromise is Mark-A. I will remain bound down with the terms and conditions of compromise deed Mark-A. As such, I do not want to pursue with the case against the accused persons as the matter has been compromised. I have no objection, I the aforesaid FIR is quashed

against the accused persons. Accordingly, I will not initiate any legal proceedings regarding the said FIR against the accused persons. Today I have brought my Aadhar card as proof of my identity and the photocopy of same is Ex.PA.”

Respondent No.2-complainant is present in Court. She has been identified by the investigating officer SI Dalwara Singh. She states that she has received all her claim except Rs.2 lakh which is to be given at the time of second motion statement on 30.01.2020 in the petition under Section 13-B of the Hindu Marriage Act, 1955 and she has no objection if the FIR in question is quashed qua the petitioners.

Learned State counsel 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.4 dated 15.01.2019 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 settlement/compromise dated 10.05.2019 (Annexure P-2) arrived at the Mediation and Conciliation Centre of this Court. The parties are directed to adhere to the terms and conditions of the aforesaid settlement/compromise.

October 16, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No