

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

CRM-M-34598 of 2019.

Decided on:- October 17, 2019.

Mohit Kumar.

.....Petitioner.

Versus

The State of Punjab and another

.....Respondents.

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

Present:- Mr. J.K. Khetarpal, Advocate for the petitioner.

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

None for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.67 dated 04.09.2018 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 dated 28.05.2019 (Annexure P-2).

This Court vide order dated 26.08.2019 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 and respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Ludhiana and got their statements recorded on 13.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the

report dated 17.09.2019 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 Anu. Though no one has put in appearance on her behalf, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate on 13.09.2019 in support of the compromise. Her statement so recorded by learned Magistrate on 13.09.2019 reads as under:

“Stated that I got lodged FIR No.67 dated 04.09.2018 U/s 406 & 498-A of the IPC, P.S. Women, Ludhiana, against the accused namely Mohit Kumar aged about 31 years S/o Gulshan Kumar Sachdeva, R/o House No.835, Basant Avenue, Near Ramji Karyana Store, Ludhiana. Now, I have entered into compromise with the accused 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 accused as the matter has been compromised. I have no objection, if the aforesaid FIR is quashed against the accused. Accordingly, I will not initiate any legal proceedings regarding the said FIR against the accused. Today I have brought my Aadhar card as proof of my identity and the photocopy of the same is Ex.PB.”

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 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.67 dated 04.09.2018 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 petitioner on the basis of compromise dated 28.05.2019 (Annexure P-2), however, subject to payment of costs of Rs.10,000/- to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, which shall be paid by the petitioner within a period of one month from today.

(HARI PAL VERMA)
JUDGE

October 17, 2019

Yag Dutt

Whether speaking/reasoned:	Yes
Whether Reportable:	No