

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

CRM-M-1651 of 2020.

Decided on:- March 12, 2020.

Rishav Tiwari.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Manuj Nagrath, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, A.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.16 dated 21.01.2019 under Sections 498-A and 406 IPC registered at Police Station Women, District Police Commissionerate, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement agreement dated 10.12.2019 (Annexure P-2) arrived at the mediation and Conciliation Centre of this Court.

This Court vide order dated 16.01.2020 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 have appeared before learned Judicial Magistrate 1st Class, Ludhiana

and got their statements recorded on 29.01.2020. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 12.02.2020 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 Ankita Sharma. 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 in support of the compromise. Her statement so recorded by learned Magistrate on 29.01.2020 reads as under:

“Stated that I got lodged FIR no.16 dated 21.01.2019, U/s 406 & 498-A of the IPC, P.S. Women, Ludhiana, against the accused namely Rishav Tiwari aged about 30 years S/o Subhash Tiwari, R/o # 26, Saket Vihar, Haider Colony, Village Hussainpura, Ludhiana, at present R/o # 1044/33, Akash Puri, Civil Lines, Ludhiana. Now, I have entered into compromise with the accused out of my free Will and without any sort of pressure and fear. The petition U/s 13-B of HMA is pending in the court of Sh. Rakesh Kumar Sharma, Ld. Additional Principal Judge, Family Court, Ludhiana, for 03.08.2020 for recording the second motion statement. The compromise between me and accused have been effected in a lump sum amount of Rs.20 lacs. Out of which, Rs.10 lacs will be paid by the accused to me at the time of recording second motion statement. As such, I do not want to pursue with the present FIR 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. I will not take any action or will not file any complaint or case against the accused or his family members. Today I have brought my Aadhar card as proof of my identity and the photocopy of same is Ex.PA.”

Learned counsel for the petitioner submits that in view of the settlement so arrived, the petitioner was required to make payment of Rs.20 lakh to the respondent No.2 and out of this, a sum of Rs.10 lakh has already been paid to the respondent No.2 at the time of recording first motion statement in the petition under Section 13-B of the Hindu Marriage Act pending before the family Court, Ludhiana. Now, the petitioner is required to make the payment of remaining amount of Rs.10 lakh at the time of recording second motion statement on 03.08.2020.

Learned State counsel also does not dispute the factum of compromise 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.16 dated 21.01.2019 under Sections 498-A and 406 IPC registered at Police Station Women, District Police Commissionerate, Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of settlement agreement dated 10.12.2019 (Annexure P-2) arrived at the mediation and Conciliation Centre of this Court, however, subject to payment of remaining amount of Rs.10 lakh by the petitioner to respondent No.2 at the time of recording second motion statement in the petition under Section 13-B of the Hindu Marriage Act, 1955 on 03.08.2020. Besides this, the petitioner shall also deposit the costs of Rs.5,000/- with the Government Medical College and Hospital, Sector-32, Chandigarh within a period of one month from today. This amount shall be utilized for the welfare of poor and needy patients under the supervision of concerned Medical Superintendent.

March 12, 2020

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No