

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

CRM-M-36702 of 2019.

Decided on:- January 14, 2020.

Inderjit Singh Walia and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Nitin Sharma, Advocate
for the petitioners.

Mr. Hittan Nehra, D.A.G., Punjab.

Mr. Amandeep Singh Nirmaan, Advocate
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.142 dated 30.11.2018 under Sections 406, 498-A and 506 IPC registered at Police Station Women, District Police Commissionerate, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 20.07.2019 (Annexure P-2).

This Court vide order dated September 02, 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 parties had appeared before learned Judicial Magistrate 1st Class, Ludhiana and got their statements

recorded on 15.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 04.11.2019 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 Mamta Dhawan. She has already made a statement before learned Magistrate in support of compromise on 15.10.2019, which reads as under:

“Stated that I got lodged FIR No.142 dated 30.11.2018 U/s 406, 498-A & 506 of the IPC, P.S. Women, Ludhiana, against the accused persons namely Inderjit Singh Walia aged about 35 years S/o Gurmeet Singh Walia, R/o Village Jamsher, Backside Mcdnald, District Jalandhar, at present R/o MIG-66, Veer Savarkar Nagar, Hirapur, Tatibandh, P.S. Kabir Nagar, Chhatisgarh, Gurmeet Singh Walia aged about 60 years S/o Late Sh. Laxman Singh, Charanjit Kaur Walia aged about 59 years W/o Sh. Gurmeet Singh Walia, Gurwinder Singh Walia aged about 34 years S/o Gurmeet Singh Walia and Simran Walia aged about 32 years W/o Gurwinder Walia, all R/o MIG-66, Veer Savarkar Nagar, Hirapur, Tatibandh, P.S. Kabir Nagar, Chhatisgarh. Now I have entered into compromise with the accused persons out of my free will and without any sort of pressure and fear. The copy of compromise deed is Ex.C1. As per compromise deed Ex.C1, today I have received demand draft bearing no.004471 dated 14.10.2019 amounting to Rs.5 lacs as part payment from accused Inderjit Singh Walia. The petition U/s 13-B of HMA is pending in the court of Sh. Ajaib Singh, Ld. Additional Principal Judge, Family Court, Ludhiana, for 09.03.2020 for recording second motion statement in which the remaining amount of Rs.5,00,000/- will be given by Inderjit

Singh Walia to me. As such, I do not want to pursue with the present FIR against the accused persons as the matter has been compromised. I have no objection, if 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..”

Learned counsel for respondent No.2-complainant has not disputed the factum of compromise between the parties. Power of attorney filed on behalf of respondent No.2 in Court, is taken on record.

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 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.142 dated 30.11.2018 under Sections 406, 498-A and 506 IPC registered at Police Station Women, District Police Commissionerate, Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 20.07.2019 (Annexure P-2).

It is made clear that the parties shall adhere to the terms and conditions of compromise deed dated 20.07.2019 (Anneuxure P-2) and in case any amount is outstanding towards the petitioners, they shall pay the same in terms of the said compromise deed.

January 14, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No