

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM no.M-16326 of 2014 (O&M)
Decided on :05.05.2015

Partha Pratim Choudhury and another
....Petitioner(s)
VERSUS

Payal Choudhury and another
....Respondents

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr.Soumitra Chatterjee, Advocate for the petitioners

Mr. Ashok Tyagi, Advocate for respondent no.1

Mr. P.S.Chauhan, Addl. AG, Haryana with
Mr. Himmat Singh, AAG, Haryana

MAHESH GROVER, J

CRM no. 14609 of 2015

Allowed as prayed for.

Main case

This is a petition under Section 482 Cr.P.C praying for quashing of FIR No 543 dated 27.11.2013 registered under Sections 498A, 34 IPC at Police Station Palam Vihar, Gurgaon, District Gurgaon and all consequent proceedings arising therefrom on the basis of a settlement arrived at inter se between the parties which fact is reflected from the proceedings under Section 28(1) of the Special Marriage Act initiated by the parties wherein on the basis of joint statement of the parties their marriage stands dissolved. The factum of settlement is not disputed by learned counsel for respondent no.1.

The Hon'ble Supreme Court in **Gold Quest International Private Ltd. vs. State of Tamil Nadu and others, 2014 (4) RCR (Crl.)**

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.

The Hon'ble Division Bench of this Court in **Sube Singh & anr. vs. State of Haryana & anr., 2013 (4) RCR (CrI) 102** has held that the High Court is vested with unparallel power to quash criminal proceedings at any stage to secure the ends of justice.

Having regard to the aforesaid and the observations made by the Full Bench of this Court in **Kulwinder Singh v. State of Punjab reported as 2007(3) Law Herald 2225** and of Hon'ble Supreme Court in **Gian Singh Vs. St. of Punjab** reported as 2012(4) RCR (CrI.) 543, instant petition is accepted. Consequently, 543 dated 27.11.2013 registered under Sections 498A, 34 IPC at Police Station Palam Vihar, Gurgaon, District Gurgaon and all consequent proceedings arising therefrom qua all the petitioners herein are hereby quashed.

May 05, 2015
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(Mahesh Grover)
Judge