

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-No. 18214 of 2015(O&M)
Date of decision: 24.09.2015

Devender & another

V/s

----Petitioner(s)

State of Haryana & another

-----Respondent(s)

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

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Sushil Jain, Advocate for the petitioners.

Mr. Rakesh Lathwal, Advocate for respondent No.2.

Mr. Desh Bandhu, Addl. A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for quashing of FIR No. 408 dated 18.10.2014 registered under sections 420, 467, 468, 471, 120-B, 506 I.P.C at Police Station, Sadar Sonipat, on the basis of compromise effected between the petitioners and respondent No.2.

This Court, vide order dated 28.05.2015, has passed the following order:-

“The present petition has been filed under Section 482 Cr.P.C praying for quashing of F.I.R No. 408 dated 18.10.2014 registered under sections 420, 467, 468, 471, 120-B, 506 I.P.C at Police Station, Sadar Sonipat, on the basis of compromise, which as per counsel has been effected into between the parties.

Notice of motion, returnable for 24.9.2015.

At this stage, Mr. Rakesh Lathwal, Advocate, who is present in Court accepts notice on behalf of complainant/respondent no.2 and also submits that the matter has been amicably settled.

Parties are directed to appear before the Illaqa Magistrate/Duty Magistrate on 12.6.2015 for recording of their statements. A report as regards veracity of the compromise be furnished to this Court on or before the adjourned date.”

Pursuant to the aforesaid order dated 28.05.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Sonipat and have got their statements recorded. On the basis of the statements so recorded, learned Judicial Magistrate Ist Class, Sonipat has forwarded her report dated 16.07.2015, along with the statements of the parties to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

Mr. Rakesh Lathwal, Advocate, for complainant/respondent no.2 also admit the factum of compromise entered between the parties.

In view of the compromise, respondent No.2-complainant, namely, Deepak Malik Son of Sh. Chander Singh, aged 28 years, Teacher, resident of vllage Pinana, Tehsil and District Sonipat, has made the following Statement before the Magistrate :-

“Stated that I have entered into compromise with Devender son of Bijender and Ram Kishan son of Sh. Shera, both residents of village Uldepur, Tehsil and District Sonipat voluntarily without any kind of pressure. As I have entered into compromise, therefore FIR No.408, dated 18.10.2014, Under Sections 420, 467, 468, 471, 120-

*B and 506 of Indian Penal Code, Police Station Sadar,
Sonipat be kindly quashed.*

<i>RO & AC</i> <i>Sd- Deepak Malik</i>	<i>Sd/-</i> <i>(Monika)</i> <i>Judicial Magistrate Ist Class,</i> <i>Sonipat, 07.07.2015"</i>
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Learned counsel for the State has also not disputed the factum of compromise entered between the parties and reply filed by way of affidavit of DSP, Karnal, on behalf of respondent No.1-State of Haryana, is taken on record.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR qua the petitioners.

The Hon'ble Supreme Court in **Gold Quest International Private Ltd. vs. 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.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)** and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, as well as judgment of Hon'ble Supreme Court in **Gold Quest International Private Ltd. vs. State of Tamil Nadu and others, 2014(4) RCR (Criminal) 206**, this petition is

allowed and FIR No. 408 dated 18.10.2014 registered under sections 420, 467, 468, 471, 120-B, 506 I.P.C at Police Station, Sadar Sonipat, on the basis of compromise effected between the petitioners and respondent No.2, is hereby quashed.

September 24, 2015

Anjal

**(HARI PAL VERMA)
JUDGE**