

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

**Criminal Misc. No. M-24836 of 2015
Date of Decision:-03.11.2015**

Lalit Kumar and others

...Petitioners

Versus

State of Haryana and another

...Respondents

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. P.K. Chugh, Advocate
for the petitioners.

Mr. Manish Bansal, Deputy A.G., Haryana.

Mr. M.S. Yadav, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.464 dated 21.6.2012, under Sections 406, 498-A, 506, 323, 34 IPC, registered at Police Station Sadar, Hisar along with all consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the parties submit that the matter has been compromised between the parties, for which joint statement has been made by the parties before the learned District Judge, Family Court, Hisar, on 1.7.2015. As per the statement of the complainant, who is

present in the Court and identified by Mr. M.S. Yadav, Advocate, everything has been settled between the parties and now nothing remains due towards either side and no claim of future maintenance, alimony of any right in property would be raised by either of the parties. The mutual consent has not been obtained by force, fraud, undue influence, threat to anybody. The complainant Rajni has also filed an affidavit dated 1.7.2015 before the learned District Judge, Family Court, Hisar to the effect that she has no objection if the FIR No.464 dated 21.6.2012, under Sections 406, 498-A, 506, 323, 34 IPC, registered at Police Station Sadar, Hisar, is quashed and if required, she is even ready to make any statement in favour of the petitionere-accused. So far as the outcome of Section 13-B of the Hindu Marriage Act is concerned, the case is now fixed before the District Judge, Family Court, Hisar in second motion on 4.1.2016.

Having considered the statement made by the parties before the District Judge, Family Court, Hisar on 1.7.2015 as well as the contents of the affidavit executed by respondent-complainant Rajni dated 1.7.2015, this Court feels that the pendency of the FIR in question is a futile exercise.

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 vs. State of Punjab and another*** 2007(3) RCR (Crl.) 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.464 dated 21.6.2012, under Sections 406, 498-A, 506, 323, 34 IPC, registered at Police Station Sadar, Hisar and the consequential proceedings arising therefrom are hereby quashed qua the petitioner.

The petition is disposed of.

November 03, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE