

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

**Criminal Misc. No. M-27302 of 2015
Date of Decision:-14.12.2015**

Kapil 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. Ashish Gupta, Advocate
for the petitioners.

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

Mr. Arjun Atri, Advocate
for respondent No.2-complainant.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.495 dated 01.12.2014, under Sections 323, 498-A, 406, 506, 120-B IPC, registered at Police Station Tauru, District Mewat (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 18.8.2015, this Court has directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to forward a

report about the genuineness of the compromise to this Court.

In compliance of the order dated 18.8.2015, the parties have appeared before the learned Magistrate on 14.9.2015 for getting their statements recorded.

The report dated 15.10.2015 received from the learned Additional Chief Judicial Magistrate, Mewat, reveals that the compromise has been effected between the parties without any undue pressure.

The joint statement made by complainant Suresh Kumari and petitioners Kapil, Ishwati, Manjit, Sachin and Babita before the Chief Judicial Magistrate, Mewat, on 14.9.2015 reads as under :-

“Stated that complainant namely Suresh Kumari had lodged the FIR No.495 of 1.12.2014, under Sections 323, 498-A, 406, 506 and 120-B IPC, P.S. Tauru and now a compromise has been effected between the parties and as per compromise deed Ex.C-1, no relation between the accused Kapil etc. and complainant Suresh Kumari. It has been agreed between the parties that the complainant will not pursue further in FIR No.495 of 2014 and further agreed that complainant will get re-marriage with any person and Kapil also get re-marriage with any person after getting decree of mutual divorce (Petition filed for mutual divorce which is pending for 2nd motion on 03.10.2015 in the Court of Learned District & Sessions Judge, Mewat). It has been further agreed that complainant will not claim of any type against her husband and family member of her husband and son namely Kartik will remain with Kapil son of Ravinder. All the parties are bound with compromise deed which is Ex.C-1.”

Mr. Arjun Atri, Advocate has put in appearance on behalf of respondent No.2-complainant and filed vakalatnama on her behalf. Same is taken on record. Learned counsel appearing for respondent No.2 does not dispute the fact of compromise effected between the parties.

Learned State counsel also does not dispute the aforesaid factual position, rather admit the factum of compromise effected between the parties.

Heard.

Having considered the statement made by the parties before the Chief Judicial Magistrate, Kewat on 14.9.2015, 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.495 dated 01.12.2014, under Sections 323, 498-A, 406, 506, 120-B IPC, registered at Police Station Tauru, District Mewat and the consequential proceedings arising therefrom are hereby quashed qua the petitioners.

December 14, 2015
Vijay Asija

(***HARI PAL VERMA***)
JUDGE