

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

CRM-M-32208 of 2015

Date of decision: 07.12. 2015

Dinesh Kumar

-----Petitioner (s)

V/s

State of Haryana and 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. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Rohit Rana, 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.126 dated 01.5.2013 under Sections 498-A, 406 and 323 IPC registered at Police Station Sadar Ballabhgarh, Distt. Faridabad and all other subsequent proceedings arising therefrom on the basis of compromise dated 27.08.2015 (Annexure P-2).

This Court vide order dated 21.09.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to the compromise/settlement and the Illaqa Magistrate/trial Court was directed to submit its report.

Pursuant to the aforesaid order dated 21.09.2015, the parties appeared before Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Faridabad and got their statements recorded. Learned Magistrate has forwarded her report dated 21.10.2015 to the effect that the parties have settled their dispute amicably without any fear or pressure.

Learned counsel for the petitioner contends that since the complainant has suffered a statement to the effect that she has compromised the matter voluntarily, out of her own free will, without any threat, pressure, force or coercion and she has no objection if the present FIR is quashed, the present petition deserves to be accepted.

Mr. Rohit Rana, Advocate, has put in appearance on behalf of the complainant, namely, Sarita and admit the factum of compromise entered between the parties..

Learned counsel for the State has also not disputed the factum of compromise entered between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Hon'ble the Apex 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), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.126 dated 01.5.2013 under Sections 498-A, 406 and 323 IPC registered at Police Station Sadar Ballabhgarh, Distt. Faridabad and all other subsequent proceedings arising therefrom are quashed, *qua* the petitioner, in view of compromise dated 27.08.2015 (Annexure P-2).

Needless to say that the parties shall remain bound by the terms and conditions of the compromise and the statements made before the trial Court.

December 07, 2015
Anjal

(HARI PAL VERMA)
JUDGE