

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-8260-2015
Date of decision: 28.07.2015

Nafe Singh and others .. Petitioners

Vs.

State of Haryana and others .. Respondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. S.K.Guleria, Advocate for the petitioners.
Mr. Himmat Singh, AAG, Haryana.

Mahesh Grover, J

This is a petition under Section 482 of the Code of Criminal Procedure praying for quashing of FIR No. 777 dated 16.09.2013 under Sections 406 and 498-A IPC, registered at Police Station Rohtak City District Rohtak, Haryana and all consequential proceedings arising therefrom on the basis of compromise.

On 13.03.2015, this Court had directed the trial Court/ Illaqa Magistrate to record the statements of all the affected persons and further record a finding as to whether the compromise has been effected voluntarily by the parties and a report in this regard was also called for.

That report has since been received along with copies of the statements of the affected persons except Murti Devi petitioner, who is stated to be abroad, which also indicates that the matter has been resolved amicably between the parties without any pressure from any quarter. Regarding Murti Devi, it has been stated that the dispute has arisen on account of marital discord and the complainants have specifically stated that they have compromised the matter with all the petitioners and in view of

their statements, the present FIR is liable to be quashed.

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.

The Hon'ble Division Bench of this Court hold in **Sube Singh and another v. State of Haryana and another, 2013(4) RCR (Criminal) 102** that the High Court is vested with unparallel power to quash the criminal proceedings at any stage to secure the ends of justice.

The dispute has arisen on account of marital discord and the complainants have specifically stated that they have settled the matter with the petitioners. There is a copy of affidavit filed by Poonam Tara complainant wherein she has specifically stated that her mother-in-law Murti Devi is at Australia and could not come due to unavoidable circumstances.

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 v. State of Punjab reported as 2012(4) RCR (Criminal) 543**, instant petition is accepted. Consequently, FIR No. 777 dated 16.09.2013 under Sections 406 and 498-A IPC, registered at Police Station Rohtak City

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District Rohtak, Haryana and all consequential proceedings arising therefrom qua the petitioners are hereby quashed.

28.07.2015

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**(Mahesh Grover)
Judge**