

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

CRM-M-16053 of 2016.
Decided on:-17.12.2016.

Sandeep and another

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Matinder Bains, Advocate for
Mr. Dinesh Arora, Advocate
for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

Mr. P.S. Poonia, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.783 dated 02.10.2014 under Sections 406/498-A/323/354-A/354-B/376/511/34/506 IPC registered at Police Station Jind City, District Jind (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 28.04.2016 (Annexure P-3).

This Court vide order dated May 10, 2016 had directed the parties to appear before the trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Chief Judicial Magistrate, Jind and got their statements recorded. On

the basis of the statements so recorded by the parties, learned Magistrate has submitted his report dated 06.06.2016 to the effect that the parties have compromised the matter voluntarily and without any coercion or undue influence.

The factum of compromise between the parties has not been disputed by learned State counsel as well as learned counsel for respondent No.2-complainant.

Learned State counsel submits that in the aforesaid FIR, the offence under Sections 354-A, 354-B, 376 and 511 IPC have been deleted and Challan has been presented under Sections 498-A, 323, 506 and 406 read with Section 34 IPC. He further states that as per the copy of charge-sheet dated 09.07.2015 placed on record as Annexure P-2, charge under Sections 498-A, 406, 323 and 506 read with Section 34 IPC has been framed against the petitioners-accused by the trial Court.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that a joint statement of the petitioners as well as respondent No.2-complainant Meenakshi has been recorded by learned Magistrate on 03.06.2016. The parties have stated therein that the matter has been compromised between them without any pressure. The petitioner No.1 and respondent No.2 are husband and wife and both of them have been residing together and there is no dispute pending between the parties.

In view of the above, no useful purpose would be served to

continue with the proceedings before the trial Court in the instant F.I.R.

Hon'ble Supreme Court in ***Gold Quest International Private Limited Versus 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.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as also in the light of ***Gold Quest International Private Limited's case (supra)*** this petition is allowed. Resultantly, FIR No.783 dated 02.10.2014 under Sections 406, 498-A, 323 and 506 read with Section 34 IPC (offence under Sections 354-A, 354-B, 376 and 511 IPC deleted later on) registered at Police Station Jind City, District Jind (Annexure P-1) and all consequential proceedings arising therefrom are quashed on the basis of compromise deed dated 28.04.2016 (Annexure P-3).

December 17, 2016

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No