

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

**CRM-M No. 46179 of 2018
Date of Decision:-30.11.2018**

Rajender Kumar @ Rajinder Kumar and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Sunil Ranga, Advocate
for the petitioners.

Mr. Parveen Kr. Aggarwal, DAG, Haryana.

Mr. Vikram Singh Rao, Advocate for
Mr. Anoop Kumar Yadav, Advocate
for respondent No.2.

MANOJ BAJAJ J.(Oral)

By way of the present petition, filed under Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No. 787 dated 19.6.2014, under Sections 406, 500 and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act, registered at Police Station, Panipat City, District Panipat (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of the compromise dated 26.9.2018 (Annexure P-2) entered into between the parties.

Vide order dated 17.10.2018, the parties were directed to appear before the trial Court and the trial Court was directed to record the

statements of the parties and make report as to its satisfaction and submit the same to this Court. The trial Court was also directed to intimate if any of the parties to this petition has been declared as proclaimed offender.

In compliance with the aforesaid direction, a report dated 05.11.2018 has been submitted by the Judicial Magistrate 1st Class, Panipat, wherein it has been reported that statements of the petitioners and respondent No. 2 have been recorded and statements made by the parties in the Court reveal that they have voluntarily entered into a compromise and the Court is satisfied that the parties have amicably settled their dispute without any fear, pressure, threat or coercion and out of their free will. It is also reported that petitioner has not been declared a proclaimed offender.

Learned counsel for the petitioners submits that no other criminal case is pending between the parties and none of the petitioner is a proclaimed offender.

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

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that the statements of the parties have been recorded by learned Magistrate on 31.10.2018. The parties have stated therein that the matter has been compromised between them without any pressure. The petitioner No.1 and respondent No.2, who are husband and wife have stated that 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. 787 dated 19.6.2014, under Sections 406, 500 and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act, registered at Police Station, Panipat City, District Panipat (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua petitioners on the basis of compromise deed dated 26.9.2018 (Annexure P-2).

Disposed off.

November 30, 2018

Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No