

261.

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

CRM-M-1827-2019

Date of decision: 02.04.2019.

KIRTIMAN MISHRA AND ANR

... Petitioners

versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Kunal Dawar, Advocate,
for the petitioners.

Ms. Priyanka Sadar, AAG, Haryana,
for respondent No.1.

Mr. Mayur Karkra, Advocate, for
Mr. Aman Pal, 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 F.I.R. No.266 dated 15.12.2016 registered under Sections 406, 498-A, 506, 377, 34 of IPC at Women Police Station, Sector 51, Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom including the challan dated 15.06.2018 (Annexure P-2) presented under Sections 406, 498-A, 506 and 34 of IPC, on the basis of compromise dated 06.07.2018 (Annexure P-3).

Learned counsel for the petitioners states that though initially the FIR was registered for offence under Section 377 IPC as well, however, during investigation, this offence was deleted and challan was presented for

offences under Sections 406, 498-A, 506 and 34 of IPC only.

This Court vide order dated 17.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 12.02.2019 to the effect that the compromise has been effected between the parties amicably/voluntarily, without any pressure or coercion.

Respondent No.2-complainant, namely, Devanshi Trivedi has made her statement with regard to compromise before learned Magistrate on 05.02.2019. The same is reproduced as under:-

“Stated that due to intervention of respectable persons, a mutual compromise has been arrived at on 07.07.2018. I being Complainant have no objection, if the FIR in the present case bearing FIR No.266 dated 15.12.2016, PS Women Cell, Gurugram is quashed. Now, the matter has been settled amicably as per deed of compromise being Ex.C1/A. I have no grievance against accused persons. The said compromise has also been filed before Hon'ble Punjab and Haryana High Court in writing. This compromise has been effected with my free will and volition and without any pressure.”

Learned State counsel as well as learned counsel appearing on behalf of respondent No.2 have not disputed the factum of compromise between the parties.

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

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 and F.I.R. No.266 dated 15.12.2016 registered under Sections 406, 498-A, 506, 377, 34 of IPC at Women Police Station, Sector 51, Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom including the challan dated 15.06.2018 (Annexure P-2) presented under Section 406, 498-A, 506 and 34 of IPC, are quashed qua the petitioners on the basis of compromise dated 06.07.2018 (Annexure P-3), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

02.04.2019

sanjeev

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No