

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

CRM-M-2932 of 2019.

Decided on:- March 27, 2019.

Vikas Rohilla and another

.....Petitioners.

Versus

The State of Haryana and another

.....Respondents.

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

Present:- Petitioner No.1 in person with
Mr. Ajay Singh, Advocate for
Mr. Brijeshwar Singh Kanwar, Advocate
for the petitioners.

Mr. Manish Bansal, D.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.34 dated 02.08.2017 under Sections 498-A, 406, 506 and 120-B IPC registered at Women Police Station, Sector-5, Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of settlement agreement dated 13.07.2018 (Annexure P-3) entered between the parties before Hon'ble Supreme Court Mediation Centre.

This Court vide order dated January 22, 2019 had directed the parties to appear before the Illaqa Magistrate/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, petitioner No.1 as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Panchkula and got their statements recorded on 18.02.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 02.03.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Neha Arora. Though none has put in appearance on her behalf, but it will not cause any prejudice to her as she has made a specific statement before learned Magistrate that the matter has been compromised voluntarily, without any pressure or undue influence.

Petitioner No.2 Usha Rani Rohilla did not appear before learned Magistrate to get her statement recorded in support of the compromise, but as the respondent No.2-complainant had come forward to depose in favour of petitioner No.2 as well, this Court finds that it will not have any adverse effect on the genuineness of compromise arrived between the parties.

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

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

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 well as the law laid down in *Gold Quest International Private Limited's case (supra)*, the present petition is allowed and the FIR No.34 dated 02.08.2017 under Sections 498-A, 406, 506 and 120-B IPC registered at Women Police Station, Sector-5, Panchkula (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise by way of settlement agreement dated 13.07.2018 (Annexure P-3) entered between the parties before Hon'ble Supreme Court Mediation Centre, however, subject to payment of costs of Rs.25,000/- to be paid by the petitioners to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

March 27, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No