IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

268 **CRM-M-2278-2019**

Date of Decision:10.05.2019

Shamsher Singh **.....Petitioner**

Versus

State of Haryana and another **.....Respondents**

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

Present: **Mr. Naveen Dahiya, Advocate,**
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

Mr. Kushagra Mahajan, Advocate,
for respondent No.2.

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HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.236 dated 16.07.2017 (Annexure P-1) under Sections 498-A, 406, 506, 323, 34 IPC, registered at Women Police Station Gurugram and all the consequential proceedings arising therefrom on the basis of compromise-deed dated 09.01.2019 (Annexure P-2).

This Court vide order dated 18.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

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submitted report dated 06.03.2019 to the effect that the matter has been amicably settled with the accused voluntarily and without any fear, undue influence or coercion and the complainant has no objection if the FIR is quashed.

Respondent No.2-complainant, namely, Resha Advani, has made a statement with regard to compromise before learned Magistrate on 20.02.2019. The same is reproduced as under:-

> *"As per the statement dated 8.1.19, we have settled our issues. The first motion on dated 9.1.19 has been done and today that is 20th February 2019, 2nd motion is pending. I do not want to pursue the matter."*

Learned counsel for respondent No.2 fairly admits the very factum of compromise-deed dated 09.01.2019 (Annexure P-2) and submits that he has got specific instructions from respondent No.2 to state before this Court that she has no objection in case the FIR in question is quashed.

Learned State counsel has not disputed the factum of compromise 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 when the disputes are substantially matrimonial in nature, or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes 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 of India.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of***

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Punjab and another 2007 (3) RCR (Criminal) 1052, *as* approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** also, in the light of ***Gold Quest International Private Limited's case*** *(supra)*, this petition is allowed and FIR No.236 dated 16.07.2017 (Annexure P-1) under Sections 498-A, 406, 506, 323, 34 IPC, registered at Women Police Station Gurugram and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 09.01.2019 (Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioner, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. He shall produce a receipt with the Registry.

May 10, 2019 **(HARI PAL VERMA)**
seema **JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No

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