

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

CRM-M-2803 of 2019.

Decided on:- March 27, 2019.

Shashi Kant and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Sushil Kamboj, Advocate
for the petitioners.

Ms. Mahima Yashpal, A.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.30 dated 30.03.2018 under Sections 323, 406, 498-A and 506 IPC registered at Women Police Station, Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement/ compromise dated 13.11.2018 (Annexure P-2) made at the Mediation and Conciliation Centre, District Court, Karnal.

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, the petitioners as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Karnal and got their statements recorded on 25.02.2019.

On the basis of the statements so recorded by the parties, learned Magistrate

has submitted the report dated 25.02.2019 to the effect that the compromise is genuine, valid, without any pressure, coercion or undue influence.

Learned State counsel, on instructions from ASI Meenu Rani, states that the present petition is liable to be dismissed qua petitioners No.2 to 5 as during investigation, they have been found innocent and as such, the present petition survives only qua petitioner No.1 Shashi Kant, who is husband of respondent No.2-complainant Anu Rani.

Faced with this situation, learned counsel for the petitioners does not press this petition qua petitioners No.2 to 5.

Accordingly, the present petition qua petitioners No.2 to 5 is dismissed as not pressed.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Anu Rani. Though nobody has appeared on her behalf in Court today, but it would not cause any prejudice to her, as she has already made a statement before learned Magistrate on 25.02.2019 in support of the compromise, wherein she has stated that she has compromised the matter with her own free will and without any fear or pressure.

Learned State counsel, on instructions from ASI Meenu Rani, has 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 petitioner No.1 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.30 dated 30.03.2018 under Sections 323, 406, 498-A and 506 IPC registered at Women Police Station, Karnal (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua petitioner No.1 Shashi Kant on the basis of settlement/ compromise dated 13.11.2018 (Annexure P-2) made at the Mediation and Conciliation Centre, District Court, Karnal, however, subject to payment of costs of Rs.10,000/- to be paid by petitioner No.1 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