

272.

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

CRM-M-2366-2019

Date of decision:29.04.2019

DEEPAK BATRA

... Petitioner

versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Mr. Manish Bansal, DAG, Haryana,
for respondent No.1.

None 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.343 dated 29.04.2015 registered under Sections 498-A/406 of IPC at Police Station Yamuna Nagar City, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/statement made in a petition filed under Section 13-B of Hindu Marriage Act before the Additional District Judge, Jagadhri, dated 30.07.2018 (Annexure P-2).

This Court vide order dated 21.01.2019 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, Yamuna Nagar at Jagadhri and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.02.2019 to the effect that the compromise has been effected between the parties voluntarily and without any coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jyoti but no prejudice would be caused to her as she along with the petitioner has already made a joint statement with regard to compromise before learned Magistrate. The same is reproduced as under:-

“Stated that in the present case we have entered a compromise and as per the compromise the matter resolved and the divorce decreed has already passed and now we are both leaving separately. As per the compromise there is no remaining dispute between us. The compromise is entered between us without any coercion or without any pressure and the same is volunteered. As per the compromise the FIR may kindly be quashed.”

Learned State counsel has filed the reply by way of an affidavit of Subhash Chand, HPS, Deputy Superintendent of Police, Yamuna Nagar, in court today on behalf of respondent No.1, which is taken on record. He, on the strength of reply so filed, states that since the charges have already been framed, the present FIR cannot be quashed on the basis of alleged compromise.

Heard.

So far as the argument of learned State counsel that after framing of charges, FIR cannot be quashed, cannot be accepted at this stage, because both the parties in the case have already got their statements recorded and there is nothing on record to doubt about the genuineness of the compromise.

Since the parties have deposed in favour of the compromise, the continuation of proceedings in the present FIR would be an abuse of process of law as chances of conviction are bleak.

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.343 dated 29.04.2015 registered under Sections 498-A/406 of IPC at Police Station Yamuna Nagar City, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/statement made in a petition filed under Section 13-

dated 30.07.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.5,000/- 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

29.04.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No