

272.

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

CRM-M-3136-2019

Date of decision:13.05.2019

NAVEEN KUMAR

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ankit Aggarwal, Advocate,
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.163 dated 08.12.2018 registered under Sections 120-B, 323, 406, 498A, 506 of IPC at Police Station Jathlana, Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 14.01.2019 (Annexure P-2).

This Court vide order dated 24.01.2019 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 05.03.2019 to the effect that the compromise is genuine and has been effected between the parties with their free-will.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Deepa but no prejudice would be caused to her as she (first party) had already suffered a joint statement along with the petitioner (second party) with regard to compromise before learned Magistrate on 28.02.2019. The same is reproduced as under:-

“That due to the intervention of the respectables of the society the first party and the second party have compromised the matter in dispute. The first party does not want to pursue the matter and compromise the same and the second party has also apologized for their act committed by them and assure that they will not repeat the same in future. Our statement has been recorded in english after having been explained to us and we have no objection in this regard.”

Learned State counsel has filed the reply by way of affidavit of Kushal Singh, HPS, DSP, Radour, District Yamuna Nagar, in court today on behalf of respondent No.1, which is taken on record. On the strength of said reply, he has submitted that in the aforesaid FIR, police has already prepared cancellation report on 10.04.2019 and the same is being in process for its presentation before the court.

At this stage, counsel for the petitioner states that pursuant to the compromise so entered between the parties, petitioner and respondent No.2 are staying together as husband and wife.

Considering the fact that there is no serious contest by the State as they have already prepared cancellation report and even otherwise, the parties are staying together as husband and wife, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

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.163 dated 08.12.2018 registered under Sections 120-B, 323, 406, 498A, 506 of IPC at Police Station Jathlana, Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 14.01.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.05.2019
sanjeev

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