

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

270

CRM-M-3905-2019

Date of Decision:10.05.2019

Lovesh Kumar and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

**Present: Ms. Priyanka Dalal, Advocate,
for the petitioners.**

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

**Mr. Parveen Dahiya, Advocate,
for respondent No.2.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0022 dated 10.03.2016 (Annexure P-1) under Sections 498-A, 406, 506, 323, 34 IPC, registered at Women Police Station, Karnal and all the consequential proceedings arising therefrom on the basis of statements dated 05.10.2018 made by the parties in the divorce-petition filed under Section 13-B of the Hindu Marriage Act.

This Court vide order dated 29.01.2019 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, Karnal and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.03.2019 to the effect that the compromise between the parties is genuine and no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion.

The petitioners and complainant-respondent No.2-Rakhi, have made a joint statement to the effect that they have compromised the matter with each other voluntarily and without any fear of pressure and they are happy with the compromise. The complainant has no objection in case FIR in question is quashed.

Learned counsel for respondent No.2 states that he has got specific instructions to state that the complainant has no objection if the aforesaid FIR registered against the accused 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***

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.0022 dated 10.03.2016 (Annexure P-1) under Sections 498-A, 406, 506, 323, 34 IPC, registered at Women Police Station, Karnal and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of statements dated 05.10.2018 made by the parties in the divorce-petition filed under Section 13-B of the Hindu Marriage Act.

May 10, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No