

283.

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

CRM-M-4150-2019

Date of decision: 19.08.2019

VIKAS KUMAR AND ANR

... Petitioners

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Abhishek, Advocate, for
Ms. Garima Sharma, Advocate,
for the petitioners.

Ms. Priyanka Sadar, AAG, 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.14 dated 31.01.2017 registered under Sections 323, 406, 498-A, 506 of IPC at Police Station Women, Ambala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 22.10.2018 (Annexure P-2).

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 Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Ambala and got their statements recorded.

On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.05.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion and undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Pooja Rani but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 08.03.2019 to the effect that she has compromised the matter with the accused and agreed to file joint petition under Section 13-B of Hindu Marriage Act at Rs.1,80,000/- and at the first motion stage, she has received Rs.90,000/- and rest of the amount i.e. Rs.90,000/- will be given at the time of second motion on 30.04.2019. She has compromised the matter without any pressure. Copy of compromise is Mark A. There is no other case except the present one.

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 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.14 dated 31.01.2017 registered under Sections 323, 406, 498-A, 506 of IPC at Police Station Women, Ambala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 22.10.2018 (Annexure P-2).

However, the parties shall remain bound by the terms of compromise dated 22.10.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

19.08.2019
sanjeev

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