

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

281

CRM-M-5402-2019

Date of Decision:27.05.2019

Pankaj Bhati and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: None for the petitioners.

Ms. Priyanka Sadar, A.A.G., 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 FIR No.19 dated 06.11.2015 under Sections 498-A, 406, 323, 506 read with Section 34 IPC, registered at Women Police Station, Ambala (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 04.11.2018 (Annexure P-2).

This Court vide order dated 05.02.2019 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, Ambala 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 seems to be genuine, voluntary and without any coercion or undue influence.

Though, today no one is present on behalf of respondent No.2-complainant, namely, Sumita, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 01.03.2019 to the effect that they have compromised the matter with each other. Copy of the compromise is Ex.CI, according to which, the petitioner shall pay the remaining amount towards permanent alimony of Rs.15,25,000/- to respondent No.2 at the time of second motion of petition under Section 13-B of HMA. They shall remain bound by the compromise Ex.CI. They had withdrawn their respective cases vide orders (Exs.C-2 & C-3). The complainant-respondent No.2 has specifically stated that she has no objection in case the FIR in question 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

Punjab and another 2007 (3) RCR (Criminal) 1052, as approved by the 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.19 dated 06.11.2015 under Sections 498-A, 406, 323, 506 read with Section 34 IPC, registered at Women Police Station, Ambala (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 04.11.2018 (Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

However, parties shall remain bound by the terms of compromise dated 04.11.2018 (Annexure P-2).

May 27, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No