

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

284

CRM-M-5947-2019

Date of Decision:22.05.2019

Sarthak Jain and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

**Present: Ms. Sukrit Gupta and
Mr. Annanya Giri, Advocates,
for the petitioners.**

**Ms. Mahima Yashpal, A.A.G., Haryana,
for respondent No.1.**

**Mr. Sunil Kumar Jain, 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.0010 dated 05.01.2019 under Sections 323, 406, 498-A, 506 IPC, registered at Police Station Sector-7, Faridabad (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 22.01.2019 (Annexure P-2).

This Court vide order dated 07.02.2019 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, Faridabad and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.03.2019 to the effect that the compromise has been effected between the parties voluntarily, without any coercion or undue influence and the same is genuine one.

Respondent No.2-complainant, namely, Srishti Jain, has made a statement with regard to compromise before learned Magistrate on 13.03.2019. The same is reproduced as under:-

“Stated that I have compromised deed dated 22.1.2019 the matter with the accused in view of terms of petition under Section 13B(1) of HMA which was filed on 23.1.2019 before the Court of Sh. Sanjay Kumar, Principal Judge (East) Family Court East District, Karkardooma Delhi. I have entered into compromise as per terms of the above petition with the accused without any fear, pressure or coercion. We have filed petition for mutual divorce and I do not have any grudge against the accused. First motion was allowed on 5.2.2019. As per terms of compromise, I have received the installment of Rs.10 lakh before the HMA Court Delhi on 5.2.2019 in form of cheque bearing No.0051 dated 23.1.2019 drawn on HDFC Bank. Now I am not at any issue against the accused. I have no objection if the proceedings of this case are quashed by Hon'ble High Court. I have never been declared as proclaimed offender by any Court of law.”

Learned State counsel as well as learned counsel for respondent No.2 have 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 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 FIR No.0010 dated 05.01.2019 under Sections 323, 406, 498-A, 506 IPC, registered at Police Station Sector-7, Faridabad and (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 22.01.2019 (Annexure P-2), subject to payment of costs of ₹20,000/- 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.

May 22, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No