

272.

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

CRM-M-7092-2019 (O&M)

Date of decision:14.05.2019

ANOOP KUMAR AND ORS

... Petitioners

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Tapan Kumar, Advocate,
for the petitioners.

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.311 dated 23.12.2017 registered under Sections 498-A/406/323/34 of IPC at Police Station Bawal, District Rewari (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of Memorandum of Understanding and joint statement dated 07.01.2019 (Annexures P-2 & P-3 respectively).

This Court vide order dated 14.02.2019 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

the basis of the statements so recorded, learned Magistrate has submitted report dated 03.04.2019 to the effect that the compromise has been effected between the parties without any pressure or influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Pooja Devi but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 30.03.2019 to the effect that she has compromised the matter with the accused without any pressure or influence and does not want to pursue the present FIR anymore.

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***

23.12.2017 registered under Sections 498-A/406/323/34 of IPC at Police Station Bawal, District Rewari (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of Memorandum of Understanding and joint statement dated 07.01.2019 (Annexures P-2 & P-3 respectively), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

14.05.2019
sanjeev

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