

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

276

CRM-M-8675-2019

Date of Decision:28.05.2019

Bharat Gupta and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

**Present: Mr. Surinder Gandhi, Advocate,
for the petitioners.**

**Mr. Manish Bansal, D.A.G., Haryana,
for respondent No.1.**

**Mr. Mayank Bansal, 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.72 dated 24.02.2017 under Sections 498-A, 406, 34 IPC, registered at Police Station Shivaji Colony, Rohtak (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of settlement/agreement dated 07.02.2019 (Annexure P-4) arrived at between the parties before Mediation and Conciliation Centre of this Court.

This Court vide order dated 27.02.2019 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 Civil Judge (Jr.Divn.)-cum-Judicial Magistrate 1st Class, Rohtak and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.04.2019 to the effect that the compromise has been entered between the parties voluntarily, without any pressure or coercion from any corner and same is valid.

Respondent No.2-complainant, namely, Kannu Priya, has made a statement with regard to compromise before learned Magistrate on 22.04.2019. The same is reproduced as under:-

“Stated that I have arrived at a compromise with accused Bharat Gupta son of Subhash Chand and Renu wife of Subhash Chand, both residents of H.No.790, Gandhiganj, Opposite Golden Tailor, Hapur, U.P. We have compromised the matter voluntarily and with my free will and consent and without any coercion and unde influence. This compromise will be beneficial for both the parties.”

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 and FIR No.72 dated 24.02.2017 under Sections 498-A, 406, 34 IPC, registered at Police Station Shivaji Colony, Rohtak (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of settlement/agreement dated 07.02.2019 (Annexure P-4) arrived at between the parties before Mediation and Conciliation Centre of this Court.

May 28, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No