

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

278

CRM-M-8954-2019

Date of Decision:28.05.2019

Saurabh Malpani and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Tanmoy Gupta, Advocate,
for the petitioners.

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

Mr. Aditya 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.44 dated 28.02.2017 under Sections 34, 406, 498-A, 506 IPC, registered at Police Station Women, Gurgaon (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 20.02.2019 (Annexure P-2).

Reply by way of affidavit of Ms. Usha, HPS, Assistant Commissioner of Police, Caw East, Gurugram, filed on behalf of respondent No.1-State of Haryana today in the Court, is taken on record.

Learned counsel for the petitioners states that pursuant to the order dated 27.02.2019 passed by this Court, petitioner No.1 has deposited

the costs of Rs.50,000/- with the Poor Patients' Welfare Fund of the

Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh.

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 Judicial Magistrate 1st Class, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.04.2019 to the effect that the compromise between the parties appears to be genuine and voluntary.

Respondent No.2-complainant, namely, Bhawna Gattani, and the accused have made a joint statement with regard to compromise before learned Magistrate to the effect that they have compromised the matter and the complainant has no objection if the FIR registered against the accused is quashed.

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.44 dated 28.02.2017 under Sections 34, 406, 498-A, 506 IPC, registered at Police Station Women, Gurgaon (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 20.02.2019 (Annexure P-2).

May 28, 2019
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(HARI PAL VERMA)
JUDGE

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