

283.

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

CRM-M-11149-2019

Date of decision:16.05.2019

NEERAJ NIMWAL AND ANR

... Petitioners

versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Navneet Singh, Advocate,
for the petitioners.

Mr. Manish Bansal, DAG, Haryana,
for respondent No.1.

Mr. Mohit Kumar, 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 F.I.R. No.0035 dated 04.02.2016 registered under Sections 498-A/406 of IPC at Police Station Civil Lines, District Sonipat (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/first motion statement dated 09.10.2018 made by the parties before the learned Additional Principal Judge, Family Court, Sonapat (Annexure P-2).

Vakalatnama filed on behalf of respondent No.2 in court today, is taken on record.

This Court vide order dated 11.03.2019 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 learned Additional Chief Judicial Magistrate, Sonapat and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.04.2019 to the effect that the compromise appears to be genuine and has been effected between the parties voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Akansha Narwan as well as petitioner No.1-Neeraj Nimwal have made a joint statement with regard to compromise before learned Magistrate on 09.04.2019 to the effect that they have compromised the matter and on the basis of which, they have filed a petition under Section 13-B of Hindu Marriage Act and the Ist motion has been done on 09.10.2018. Akansha Narwan has received Rs.3,50,000/- being half payment towards permanent alimony. Second motion is to be done on 15.04.2019. They do not want to pursue the present case anymore. Compromise has been made with their own free will and without any pressure.

Learned counsel for the petitioners states that second motion statement under Section 13-B of Hindu Marriage Act, has also been recorded and decree of divorce by way of mutual consent has already been granted to 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

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 Limited's case (supra)***, this petition is allowed and F.I.R. No.0035 dated 04.02.2016 registered under Sections 498-A/406 of IPC at Police Station Civil Lines, District Sonipat (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/first motion statement dated 09.10.2018 made by the parties before the learned Additional Principal Judge, Family Court, Sonapat (Annexure P-2), 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

16.05.2019
sanjeev

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