

286.

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

CRM-M-10087-2019

Date of decision:23.05.2019

VIKAS BHARDWAJ

... Petitioner

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Karan Pathak, Advocate,
for the petitioner.

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.196 dated 18.05.2017 registered under Sections 323, 406, 498-A, 506 of IPC at Police Station Faridabad N.I.T., District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 09.01.2019 (Annexure P-2).

This Court vide order dated 05.03.2019 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 Judicial Magistrate Ist Class, Faridabad and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 23.04.2019 to the effect that the compromise is genuine and has been effected between the parties with their own free sweet will and without any undue coercion and pressure.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Poonam Sharma, but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 01.04.2019 to the effect that she has compromised the matter with the accused and has no objection in case the FIR in question is quashed.

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***

18.05.2017 registered under Sections 323, 406, 498-A, 506 of IPC at Police Station Faridabad N.I.T., District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 09.01.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.15,000/- 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

23.05.2019
sanjeev

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