

274.

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

CRM-M-10358-2019 (O&M)

Date of decision:14.05.2019

AJAY AND OTHERS

... Petitioners

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Anu Garg, Advocate,
for the petitioners.

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

Mr. Vaibhav Goel, 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.459 dated 26.12.2016 registered under Sections 323, 34, 498-A, 34 of IPC at Police Station Dadri City, District Bhiwani (now District Charkhi Dadri) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 13.02.2019 (Annexure P-2) arrived in a petition under Section 13-B of Hindu Marriage Act, 1955.

This Court vide order dated 07.03.2019 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, Charkhi Dadri and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.04.2019 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Rinku has made her statement with regard to compromise before learned Magistrate on 18.04.2019 to the effect that she has compromised the matter with the accused voluntarily and without any coercion or undue influence. The compromise is Ex.PX and the same be accepted.

Learned State counsel has filed reply by way of affidavit of Ramesh Kumar, HPS. DSP, Charkhi Dadri, on behalf of respondent No.1, in court today, which is taken on record.

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***

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.459 dated 26.12.2016 registered under Sections 323, 34, 498-A, 34 of IPC at Police Station Dadri City, District Bhiwani (now District Charkhi Dadri) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 13.02.2019 (Annexure P-2) arrived in a petition under Section 13-B of Hindu Marriage Act, 1955.

(HARI PAL VERMA)
JUDGE

14.05.2019
sanjeev

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