

278.

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

**CRM-M-10898-2019**

Date of decision:16.05.2019

RATHINDRA ANURAG

... Petitioner

versus

STATE OF HARYANA AND ANR

.... Respondents

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

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Present: Mr. BPS Virk, Advocate, for  
Mr. Jatinder Pal Singh, Advocate,  
for the petitioner.

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

Ms. Janya Sirohi, Advocate,  
for respondent No.2.

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**HARI PAL VERMA, J.(Oral)**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.112 dated 25.06.2016 registered under Sections 323, 498-A, 506 of IPC at Women Police Station, Gurgaon (now Gurugram) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/Memorandum of Understanding dated 24.11.2017 (Annexure P-2).

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

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 11.04.2019 to the effect that the compromise has been effected between the parties with their free will, without any pressure or any undue influence from any corner.

Respondent No.2-complainant, namely, Thommandru Chaitnaya has made her statement with regard to compromise before learned Magistrate on 09.04.2019. The same is reproduced as under:-

*“Stated that I had lodged FIR bearing no.112/2016 under Sections 498A, 406, 34 IPC, PS-Women, Sec. 51, Gurugram against accused Rathindra Anurag. Now, I have entered into a compromise voluntarily without any undue influence or coercion with the accused vide compromise deed dated 24.11.2017 held at Mediation Centre, Patiala House Courts, New Delhi and my marriage with accused Rathindra Anurag has been dissolved by a decree of divorce by mutual consent under Sec. 13B of Hindu Marriage Act vide judgment dt. 08.03.2018 by the Ld. Court of Mr. Yashwant Kumar, Principal Judge, Family Court, Patiala House Courts, New Delhi. Now, I have no objection if the present FIR may be quashed by the Hon'ble High Court.”*

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 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 Limited's case (supra)*, this petition is allowed and F.I.R. No.112 dated 25.06.2016 registered under Sections 323, 498-A, 506 of IPC at Women Police Station, Gurgaon (now Gurugram) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/Memorandum of Understanding dated 24.11.2017 (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

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