

276.

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

CRM-M-10472-2019

Date of decision:14.05.2019

NARESH KUMAR AND ORS

... Petitioners

versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

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.00145 dated 25.06.2015 registered under Sections 498A, 406, 506 and 34 of IPC at Police Station Loharu, District Bhiwani (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.02.2019 (Annexure P-2).

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 Additional Civil Judge (Senior Division)-cum-Sub Divisional Judicial Magistrate, Loharu and got their statements recorded. On the basis

of the statements so recorded, learned Magistrate has submitted report dated 11.04.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Renu but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 05.04.2019 to the effect that she has no objection in case the FIR in question is quashed.

Learned State counsel, on instructions from SI Suresh Kumar, states that though the FIR was registered against all the three petitioners, but during investigation, petitioner No.3-Nirmal daughter of Ramkaran, was found innocent and in this manner, challan was not presented against petitioner No.3. He does not dispute the factum of compromise between the parties. He has filed reply on behalf of respondent No.1, 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 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.00145 dated 25.06.2015 registered under Sections 498A, 406, 506 and 34 of IPC at Police Station Loharu, District Bhiwani (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 18.02.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

14.05.2019
sanjeev

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