

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

279

CRM-M-11056-2019

Date of Decision:16.05.2019

Sumit Saggi and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: Ms. Anshika, Advocate for
Mr. Salil Dev Singh Bali, Advocate,
for the petitioners.

Ms. Mahima Yashpal, A.A.G., Haryana,
for respondent No.1.

Mr. Deepak Thapar, 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 FIR No.294 dated 03.07.2015 under Sections 498-A, 406, 506, 34 IPC, registered at Police Station Urban Estate, Rohtak, District Rohtak (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of joint statements dated 21.01.2019 (Annexure P-3) made by petitioner No.1 and respondent No.2 before learned Family Court, Rohtak.

Power of attorney filed on behalf of respondent No.2 today in the Court, is taken on record.

Reply by way of affidavit of Sh. Prithvi Singh, HPS, Deputy Superintendent of Police, Rohtak, filed on behalf of respondent No.1-State today in the Court, 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 trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Civil Judge (JD)-cum-Judicial Magistrate 1st Class, Rohtak and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 12.04.2019 to the effect that the compromise has been entered between the parties voluntarily and without any pressure or coercion from any corner and the same is valid.

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

“Stated that I have arrived at a compromise with accused Sumit Saggi son of Sh. Vijay Saggi and Smt. Usha Saggi wife of Sh. Vijay Saggi, both residents of Flat No.43, Bhagya Laxmi Apartment, Sector-9, Rohini, Delhi-85. I and Sumit Saggi had obtained a decree of divorce under Section 13-B of Hindu Marriage Act, 1955 vide judgment and decree dated 09.04.2019 from the Court of Sh. Hemraj, Ld. Addl. Principal Judge, Family Court, Rohtak. We have settled all our disputes amicably and nothing remains against each other. In view of the compromise, I have no objection in quashing of the above-noted FIR and subsequent proceedings arising thereof. I have compromised the matter voluntarily and with my own free will and consent and without any coercion and undue influence.”

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 F.I.R.

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 when the disputes are substantially matrimonial in nature, or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes 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 of India.

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*, as approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303* also, in the light of *Gold Quest International Private Limited's case (supra)*, this petition is allowed and FIR No.294 dated 03.07.2015 under Sections 498-A, 406, 506, 34 IPC, registered at Police Station Urban Estate, Rohtak, District Rohtak (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of joint statements dated 21.01.2019 (Annexure P-3) made by petitioner No.1 and respondent No.2 before learned Family Court, Rohtak, subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

May 16, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No