

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-22691 of 2018

Date of Decision: 07.02.2019

Rajesh & others

...Petitioner(s)

Versus

State of Haryana & another

...Respondent(s)

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

Present:- Mr. J.S. Hooda, Advocate
for the petitioners.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. M.S. Yadav, 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.212 dated 18.07.2015 under Sections 498A IPC registered at Police Station NIT, District Faridabad and all subsequent proceedings arising therefrom on the basis of compromise.

This Court vide order dated 31.08.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/trial Court was directed to submit its report regarding the

genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Judicial Magistrate Ist Class, Faridabad and got their statements recorded. Learned Magistrate has forwarded her report dated 12/26.10.2018 to the effect that the parties have recorded their statements voluntarily.

In her statement, respondent no.2-complainant has deposed that she has compromised the matter with the accused voluntarily without any pressure from anybody and she has no objection to the FIR being quashed.

Learned State counsel as well as learned counsel for respondent no.2 have not disputed the factum of compromise between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Hon'ble the Apex Court in **Gold Quest International Private Ltd. vs. 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.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303 and also in the light of judgment of Hon'ble the Apex Court in the case of **Gold Quest International Private Ltd.** (supra), this petition is allowed and FIR No.212 dated 18.07.2015 under Sections 498A IPC registered at Police Station NIT, District Faridabad and all subsequent proceedings arising therefrom are quashed *qua* the petitioners on the basis of compromise dated 17.04.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.5,000/- with the Haryana State Legal Services Authority within 15 days from today.

February 07, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No