

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

269

CRM-M-12589-2019

Date of Decision:04.09.2019

Vikash Kumar and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Gaurav Singla, Advocate,
for the petitioners.

Mr. Vikramjit Singh, Addl. AG, Haryana.

Mr. Ashish Gupta, 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.186 dated 11.05.2015 under Sections 498-A, 406, 506, 323 IPC, registered at Police Station Faridabad, Old District Faridabad (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 13.02.2019 (Annexure P-2).

Learned counsel for the petitioners states that the parties are residing together in the matrimonial house.

This Court vide order dated 18.03.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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 Judicial Magistrate 1st Class, Faridabad and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.06.2019 to the effect that the compromise has been arrived at between the parties voluntarily without any threat, pressure, undue influence or fraud.

Respondent No.2-complainant, namely, Jyoti Devi as well as the petitioners have made a joint statement with regard to compromise before learned Magistrate on 11.04.2019. The same is reproduced as under:-

“Stated that matter has been compromised between us. The compromise is genuine without any fear and coercion. The written compromise has been given before the Hon'ble High Court along with quashing petition. Sh. Vikash Kumar and complainant Jyoti Devi are residing together in matrimonial house. Four persons named Sh. Vikash Kumar, Sh. Jagdev Parsad, Smt. Sarita Devi and Sh. Anand Kumar were arrayed as accused in the FIR, none of them is proclaimed offender.”

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.186 dated 11.05.2015 under Sections 498-A, 406, 506, 323 IPC, registered at Police Station Faridabad, Old District Faridabad(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 13.02.2019 (Annexure P-2).

September 04, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No