

280.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12405-2019

Date of decision:08.05.2019

SUNIL SHARMA AND ORS.

... Petitioners

Versus

STATE OF HARYANA AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sanchit Punia, Advocate,
for the petitioners.

Ms. Priyanka Sadar, AAG, Haryana,
for respondent No.1.

Mr. Narender Kaajla, 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 F.I.R. No.74 dated 02.04.2016 registered under Sections 498-A, 406, 506, 323 and 34 of IPC at Police Station Mandi Dabwali, District Sirsa (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 02.03.2019 (Annexure P-2).

This Court vide order dated 18.03.2019 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 Judicial Magistrate Ist Class, Dabwali and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.04.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Respondent No.2-complainant, namely, Monika Sharma has made her statement with regard to compromise before learned Magistrate on 30.03.2019 to the effect that she has compromised the matter with the accused without any pressure or undue influence and has no objection in case the FIR in question is quashed.

Counsel for the petitioners states that the compromise deed dated 02.03.2019 has been reduced into writing between the parties. He further states that on the basis of said compromise deed, even a petition filed by the parties under Section 13-B of Hindu Marriage Act for dissolution of marriage has been allowed and the marriage has been dissolved on the basis of mutual consent.

Counsel for the respondent No.2 does not dispute the very factum of compromise so entered between the parties as well as the dissolution of marriage under Section 13-B of Hindu Marriage Act.

Learned State counsel has also 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,

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.74 dated 02.04.2016 registered under Sections 498-A, 406, 506, 323 and 34 of IPC at Police Station Mandi Dabwali, District Sirsa (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 02.03.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

08.05.2019
sanjeev

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