

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

CRM-M-13407 of 2019.

Decided on:- May 29, 2019.

Rakesh Verma.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Aditya Yadav, Advocate
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

Mr. Jitender Singh, 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.738 dated 19.12.2014 under Sections 498-A, 406, 323 and 506 read with Section 34 IPC registered at Police Station Sector-7, Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 13.03.2019 (Annexure P-2).

This Court vide order dated 25.03.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioner as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Faridabad and got their statements recorded on 24.04.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 25.04.2019 to the effect that the compromise effected between the parties appears to be without any threat or pressure from either side and is made out of free volition of the parties.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Binny. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 24.04.2019 reads as under:

“Stated that the present case FIR No.738 dated 19.12.2014 under Section 323, 498-A, 406, 506 read with Section 34 IPC, P.S. Sector-7, Faridabad was got registered on my complaint. Now, due to the intervention of the respectable persons of the society the matter has been compromised between the parties amicably and voluntarily without any force, pressure or any sort of undue influence. No grievance remains against the accused qua the complaint. I do not want to pursue the present case/FIR against the accused. I have no objection if the instant FIR be quashed.”

Learned counsel for the petitioner has stated that apart from the fact that the matter has been compromised between the parties, the petitioner and respondent No.2 are staying together as husband and wife.

Learned counsel for respondent No.2, on instructions from his client, who is present in Court, states that respondent No.2 admits the aforesaid fact.

Learned State counsel has not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

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 well as the law laid down in ***Gold Quest International Private Limited's case (supra)***, the present petition is allowed and the FIR No.738 dated 19.12.2014 under Sections 498-A, 406, 323 and 506 read with Section 34 IPC registered at Police Station Sector-7, Faridabad (Annexure

P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise by way of affidavit dated 13.03.2019 (Annexure P-2).

May 29, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No