

286.

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

CRM-M-13888-2019

Date of decision:04.07.2019

PANKAJ

... Petitioner

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Parveen Kaushik, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana,
for respondent No.1.

None 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.268 dated 18.09.2014 registered under Sections 406, 498-A of IPC at Police Station Old Sabzi Mandi Rohtak, District Rohtak (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.03.2019 (Annexure P-2).

This Court vide order dated 27.03.2019 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, Rohtak and got their statements

submitted report dated 14.05.2019 to the effect that the compromise has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Seema but no prejudice would be caused to her as she has already made a joint statement with the petitioner-accused with regard to compromise before learned Magistrate on 10.05.2019. The same is reproduced as under:-

“We Seema Arora (complainant) and Pankaj (accused), have, without any pressure, coercion or influence, amicably resolved the matrimonial discord between us and the marriage has been dissolved by Decree of divorce under Section 13-B of Hindu Marriage Act, 1955 dated 09.04.2019 passed by the Family Court, Rohtak. Quashing petition filed by Pankaj is pending before the Hon'ble High Court to which the complainant has no objection. ”

Learned State counsel has 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, 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

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.268 dated 18.09.2014 registered under Sections 406, 498-A of IPC at Police Station Old Sabzi Mandi Rohtak, District Rohtak (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 18.03.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

04.07.2019
sanjeev

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