

285.

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

CRM-M-13758-2019

Date of decision:04.07.2019

PAWAN KUMAR

... Petitioner

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Punit Malik, 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.99 dated 28.04.2017 registered under Sections 498-A/406/506/34 of IPC at Women Police Station, Gurgaon (now Gurugram) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed/joint statement of both the parties on first motion in a petition filed under Section 13-B of Hindu Marriage Act, 1955 dated 11.01.2019 (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 Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.05.2019 to the effect that the compromise is genuine & valid and has been effected between the parties with their own sweet will, without any undue threat, coercion or pressure.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Mamta but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 01.05.2019. The same is reproduced as under:-

“Stated that I am the complainant in the present case and I have compromised the matter with my husband namely Pawan in the present FIR bearing No.99 dated 28.04.2017 under Sections 498, 506 IPC, PS-Women, Sec. 51, Gurugram. As per the compromise dated 07.02.2019, a petition titled as Mamta Vs. Pawan, Under Section 13B of Hindu Marriage Act is pending in the Court of Hon'ble Session Judge/Family Court, Gurugram. I have settled the matter with the accused on all accounts. I have no objection if the present FIR and subsequent proceedings in it are quashed by the Hon'ble High Court. I have made the above statement out of my sweet will and without any threat or pressure.”

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 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.99 dated 28.04.2017 registered under Sections 498-A/406/506/34 of IPC at Women Police Station, Gurgaon (now Gurugram) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed/joint statement of both the parties on first motion in a petition filed under Section 13-B of Hindu Marriage Act, 1955 dated 11.01.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

04.07.2019
sanjeev

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