

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

280

CRM-M-13613-2019

Date of Decision:05.07.2019

Sandeep

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: None for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Nav Mohit 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.0031 dated 07.01.2015 under Sections 406, 498-A, 323, 506 IPC, registered at Police Station Hisar Civil Lines, District Hisar and all the consequential proceedings arising therefrom on the basis of the compromise (Annexure P-1).

This Court vide order dated 26.03.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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, Hisar 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 matter has been settled between the parties amicably and compromise is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Ritu Rani, has made a statement with regard to compromise before learned Magistrate on 23.05.2019. The same is reproduced as under:-

“Stated that I had got lodged FIR No.31 dated 07.01.2015 under Sections 406/498A/323/506 IPC at Police Station Civil Lines, Hisar. Now, the matter has been settled amicably. I have no grievance against accused. I have no objection if the FIR is quashed.”

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***

07.01.2015 under Sections 406, 498-A, 323, 506 IPC, registered at Police Station Hisar Civil Lines, District Hisar and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise(Annexure P-1), subject to payment of costs of ₹10,000/- to be paid by the petitioner, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. He shall produce a receipt with the Registry.

July 05, 2019

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(HARI PAL VERMA)**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No