

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

CRM-M-14851 of 2019.

Decided on:- September 16, 2019.

Bhagat Singh and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. A.S. Gagrha, Advocate
for the petitioners.

Mr. R.K. Singla, A.A.G., Haryana.

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 FIR No.600 dated 15.09.2018 under Sections 313, 323, 354, 498-A, 406, 377 and 506 read with Section 34 IPC registered at Police Station Samalkha, District Panipat (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement agreement dated 05.02.2019 (Annexure P-2).

This Court vide order dated 01.04.2019 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 petitioners as well as respondent No.2-complainant have appeared before learned Sub-Divisional Judicial Magistrate, Samalkha and got their statements recorded on 09.04.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 06.05.2019 to the effect that no proclaimed proceeding and other criminal case is pending against the accused as per the report of concerned police station.

Learned State counsel has not disputed the factum of compromise effected between the parties. On the basis of reply filed by Pardeep Singh, HPS, DSP, Samalkha on behalf of respondent No.1-State, learned State counsel submits that during investigation, the offence under Sections 313 and 354-A IPC were deleted from the case. The charge under Section 377 IPC has been framed by the trial Court against petitioner No.1, who is husband of respondent No.2-complainant.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Kavita. Though none has put in appearance on behalf of respondent No.2, but it would not cause any prejudice to her in any manner as she has already made a statement before learned Magistrate in support of the compromise on 09.04.2019, wherein she has stated that the matter has been compromised with the accused as per settlement agreement Ex.C1 and she has no objection in case the accused are set at liberty.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners 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.600 dated 15.09.2018 under Sections 313, 323, 354, 498-A, 406, 377 and 506 read with Section 34 IPC (Offence under Sections 313 and 354-A IPC deleted later on) registered at Police Station Samalkha, District Panipat (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of settlement agreement dated 05.02.2019 (Annexure P-2/Ex.C1), subject to payment of Rs.20,000/- as costs to be deposited by the petitioners with Pandit Bhagwat Dayal Sharma Post Graduate Institute of Medical Sciences (PGIMS), Rohtak within a period of one month from today. The said amount shall be utilised by the Institute for the welfare of poor patients within the knowledge of Medical Superintendent.

It is made clear that the parties shall remain bound by the terms and conditions of settlement agreement dated 05.02.2019 (Annexure P-2/Ex.C1) in letter and spirit.

September 16, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No