

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

275

CRM-M-28422-2018

Date of Decision:28.11.2019

Sachin Sachdeva and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

**Present: Mr. A.P. Singh, Advocate for
Mr. N.K. Malhotra, Advocate,
for the petitioners.**

Ms. Priyanka Sadar, AAG, 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.245 dated 14.05.2013 under Sections 498-A, 406, 318 IPC, registered at Police Station Civil Lines, Rohtak(Annexure P-1) as well as FIR No.66 dated 14.02.2014 under Sections 279, 323, 341, 337, 506, 34 IPC, registered at Police Station Civil Lines, Rohtak(Annexure P-2) on the basis of compromise(Annexure P-3).

Learned State Counsel has submitted that in FIR No.66 dated 14.02.2014, the offences under Sections 323, 341, 506, 34 IPC have been deleted and thus the FIR survives only qua offences under Sections 279, 337 IPC. She further states that as against total 06 witnesses cited by the prosecution, 04 witnesses have already been examined.

This Court vide order dated 11.09.2019 while recording the contention of the learned counsel for the petitioners that the matter has been compromised between the parties and in terms of the compromise, the petitioners are required to pay a sum of Rs.16.50 lakhs to respondent No.2-complainant and out of this amount, Rs.8.25 lakhs have already been paid and the remaining amount is required to be paid at the second motion stage in the proceedings pending between the parties under Section 13-B of the Hindu Marriage Act, had directed the parties to appear before the trial Court/Illaq Magistrate 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, Rohtak and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted the report dated 24.09.2019 in FIR No.245 dated 14.05.2013, wherein it has been reported that he has verified the genuineness of the compromise and this fact was specifically put to the parties, whereby they have stated that the compromise has been entered between them voluntarily, without any force or coercion and it is with their free will.

Similar report has also been received from learned Additional Chief Judicial Magistrate, Rohtak, dated 04.10.2019 in FIR No.66 dated 14.02.2014, wherein learned Magistrate has shown its satisfaction to the compromise. Both the reports are accompanied with the statement of the complainant-respondent No.2.

Though no one is present on behalf of the complainant-respondent No.2-Sonia in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before

learned Magistrate on 21.09.2019 to the effect that the matter has been compromised between them without any pressure and with their free will. She has no objection if the present FIR registered against the petitioners-accused is hereby quashed.

Learned State counsel has no serious opposition to the case as the matter has been compromised between the parties. However, she submits that in FIR No.66 dated 14.02.2014, trial is at advanced stage as out of total 06 witnesses cited by the prosecution, 04 witnesses have already been examined. She further states that the offences under Sections 323, 341, 506, 34 IPC have been deleted and thus FIR No.66 dated 14.02.2014 survives only qua offences under Sections 279, 337 IPC.

Considering the fact that in both the FIRs, reports have been received from learned Magistrate, which are accompanied with the statement of the complainant-respondent No.2-Sonia, this Court finds that the matter stands compromised 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 Limited's case (supra)*, this petition is allowed and FIR No.245 dated 14.05.2013 under Sections 498-A, 406, 318 IPC, registered at Police Station Civil Lines, Rohtak(Annexure P-1) as well as FIR No.66 dated 14.02.2014 under Sections 279, 337 IPC, registered at Police Station Civil Lines, Rohtak(Annexure P-2) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise(Annexure P-3), subject to payment of costs of ₹15,000/- to be paid by the petitioners, within a period of one month from today with the **Pandit Bhagwat Dayal Sharma Post Graduate Institute of Medical Sciences, Rohtak** and the said amount would be spent for the treatment of poor patients within the knowledge of its Director.

November 28, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No