

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

284

CRM-M-16789-2019(O&M)

Date of Decision:19.07.2019

Gagan Jhamb

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Rakesh Dhiman, Advocate,
for the petitioner.

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.287 dated 30.12.2016 under Sections 498-A, 343, 406, 506, 34 IPC, registered at Police Station Women, Sector-51, Gurugram, District Gurugram (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of joint statement made by the parties in the petition filed under Section 13-B of the Hindu Marriage Act (Annexure P-3).

This Court vide order dated 11.04.2019 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, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.06.2019 to the effect that the matter has been settled between the parties amicably/voluntarily, without any pressure or coercion.

Though no one is present on behalf of respondent No.2-complainant Neha Nasa 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 12.06.2019. The same is reproduced as under:-

“Stated that a compromise has been arrived between the parties on 07.02.2019 and they filed Section 13(B) of HMA which was pending for 19.08.2019. I do not want to proceed with the present complaint/FIR and want to get the same quashed. Now, the matter has been settled amicably. I have no grievance against accused Gagan. I request you that FIR No.287 dated 30.12.2016 be quashed. I affirmed that this compromise has been effected with my free will and volition and without any 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 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.287 dated 30.12.2016 under Sections 498-A, 343, 406, 506, 34 IPC, registered at Police Station Women, Sector-51, Gurugram, District Gurugram (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of joint statement made by the parties in the petition filed under Section 13-B of the Hindu Marriage Act (Annexure P-3), subject to payment of costs of ₹5,000/- to be paid by the petitioner, 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. The petitioner shall produce a receipt with the Registry.

July 19, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No