

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

281

CRM-M-16746-2019

Date of Decision:19.07.2019

Achal Jain and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: None 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.157 dated 26.09.2017 which was initially registered under Sections 323, 34, 376, 377, 406, 498-A, 506, 511 IPC, Police Station Rohtak, District Rohtak (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of statements dated 13.03.2019 made in the petition filed under Section 13-B of the Hindu Marriage Act (Annexure P-2).

Reply by way of affidavit of Sh. Prithvi Singh, HPS, Additional Superintendent of Police, Rohtak, filed on behalf of respondent No.1-State today in the Court, is taken on record. On the strength of reply so filed, learned State Counsel, on instructions from ASI Rekha Rani, states that the present FIR survives only for the offences punishable under Sections 497,

498-A, 406, 34 IPC as the offences punishable under Sections 376, 511,

377, 323, 506 IPC were deleted.

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, Rohtak and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 30.05.2019 to the effect that the compromise is quite genuine and has been effected voluntarily by the parties.

Though no one is present on behalf of respondent No.2- Sakshita Jain 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 30.05.2019. The same is reproduced as under:-

“Stated that I have compromised the matter with the accused persons in panchayat with the intervention of respectable persons of the society. The compromise has been effected with my own will and without any fear, pressure or coercion etc. of any kind. Said compromise will promote the peace and harmony between us as we all belong to same family. Compromise deed EX.C1 is tendered. I have no objection if the FIR of present case is quashed by Hon'ble Punjab and Haryana High Court against the accused persons. Cancellation of FIR against the accused persons would be altogether for the benefit and welfare of us and our families. ”

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.

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.157 dated 26.09.2017 under Sections 497, 498-A, 406, 34 IPC, registered at Police Station Rohtak, District Rohtak (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of statements dated 13.03.2019 made in the petition filed under Section 13-B of the Hindu Marriage Act (Annexure P-2), subject to payment of costs of ₹10,000/- 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. The petitioners shall produce a receipt with the Registry.

July 19, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No