

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-17151-2019

Date of Decision:16.12.2019

Prashant Sharma

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Vibhu Agnihotri, Advocate,
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

Mr. Saurav Kanojia, 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.196 dated 22.09.2013 under Sections 498-A, 406, 506, 323 read with Section 34 IPC, registered at Police Station Sector 17/18, Gurugram(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 21.05.2018(Annexure P-2).

Learned counsel for the petitioner has argued that though the FIR was registered for the aforesaid offences, but challan in the case was presented only under Section 498-A IPC and as on date, the proceedings qua the petitioner are under Section 498-A IPC only.

This Court vide order dated November 01, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their

statements recorded and the learned Magistrate 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 30.11.2019 to the effect that the matter has been voluntarily compromised between the parties and the complainant has entered into a settlement/agreement out of her own volition with the accused without any pressure or coercion from any corner.

Respondent No.2-complainant, namely, Hema Rawal, has made a statement with regard to compromise before learned Magistrate on 25.11.2019. The same is reproduced as under:-

“I state that the matter has been compromised with the accused- Prashant Sharma voluntarily and without any coercion or undue influence. The compromise deed dated 21.5.2018 has been drafted amongst us and the same is already fulfilled by the parties. I have no objection if the above-mentioned FIR have been 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 Limited's case (supra)*, this petition is allowed and FIR No.196 dated 22.09.2013 under Section 498-A IPC, registered at Police Station Sector 17/18, Gurugram(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 21.05.2018(Annexure P-2), subject to payment of costs of ₹20,000/- 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.

December 16, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No