

271-A

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

CRM-M-34883-2018

Date of decision-15.01.2019

Mohinder Singh Malik

....Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Munish Kumar Garg, Advocate for the petitioner.

Mr. Nishchal Mann, DAG, Haryana.

MANOJ BAJAJ, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.66 dated 05.09.2017 (Annexure P-1) under Sections 323 and 506 of Indian Penal Code registered at Police Station Civil Line Jind, District Jind and all subsequent proceedings arising therefrom on the basis of compromise deed dated 06.08.2018 (Annexure P-2).

Petitioner and respondent No.2 were married on 20.04.1988. Differences arose between them which gave rise to multiple litigation including the FIR No.66 dated 05.09.2017, subject matter of this petition.

Learned counsel for the petitioner refers to Annexure P-2 to contend that a compromise has been effected between the parties. The parties are present in the Court who have been identified by their respective counsels and both of them have stated in the Court that indeed settlement

arrived at between them before the Mediation and Conciliation Centre of this Court, which further stands acted upon and implemented.

The factum of compromise between the parties has not been disputed by learned State counsel.

I have heard learned counsel for the parties.

Perusal of the report submitted by Mediation and Conciliation Centre of this Court reveals that the matter has been compromised between them without any pressure.

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 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 also in the light of ***Gold Quest International Private Limited's case (supra)*** this petition is allowed. Resultantly, FIR No.66 dated 05.09.2017 (Annexure P-1) and all consequential proceedings arising

therefrom are quashed qua petitioner on the basis of compromise deed dated 06.08.2018 (Annexure P-2).

Disposed off.

(MANOJ BAJAJ)
JUDGE

15.01.2019
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No