

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

290

CRM-M-18192-2019

Date of Decision:27.08.2019

Rajender Kumar and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Nagar Singh, Advocate for
Mr. Jagjit Gill, Advocate,
for the petitioners.

Ms. Gaganpreet Kaur, 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.187 dated 29.09.2015 under Sections 354, 498-A, 420, 406, 506, 120-B IPC, registered at Police Station Nathu Sarai Chopta, District Sirsa(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise/affidavit dated 08.04.2019 (Annexure P-2).

Reply by way of affidavit of Sh. Jagdish Kumar, Deputy Superintendent of Police, Ellenabad, District Sirsa, filed on behalf of respondent No.1-State today in the Court, is taken on record.

Learned State Counsel, on instructions from ASI Ramphal,

submits that during the course of investigation, offence under Sections 354, 420, 120-B IPC were deleted and challan was presented for offence under Sections 498-A, 406, 506 IPC.

This Court vide order dated 24.04.2019 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 Civil Judge(Jr. Divn.)Judicial Magistrate 1st Class, Sirsa and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 22.05.2019 to the effect that the parties have entered into compromise without any fear, force and coercion and the same is genuine.

Though no one is present on behalf of respondent No.2-complainant-Chander Kala in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before the learned Magistrate on 22.05.2019 to the effect that she has compromised the matter with the intervention of Panchayat without any pressure and she has no objection if the FIR in question registered against the petitioners-accused is quashed.

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)***

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.187 dated 29.09.2015 under Sections 354, 498-A, 420, 406, 506, 120-B IPC (offences under Sections 354, 420, 120-B IPC were deleted later on), registered at Police Station Nathu Sarai Chopta, District Sirsa(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise/affidavit dated 08.04.2019 (Annexure P-2).

August 27, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No