

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

CRM-M-38945 of 2018.

Decided on:- January 17, 2019.

Ashok Yadav.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Balwinder Singh Jolly, Advocate
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana
for respondent No.1-State.

Mr. Tejinder Pal Singh, 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 the FIR No.486 dated 06.06.2016 under Sections 354, 366, 496 and 506 IPC registered at Police Station Gurgaon City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement dated 24.04.2018 (Annexure P-3) effected between the parties before the Mediation and Conciliation Centre of this Court.

Learned counsel for the petitioner states that during the course of investigation, the offences under Sections 354-D, 420, 467, 468, 471 and

120-B IPC were added by the police in the case and this fact was not in the notice of the petitioner.

Learned State counsel, on instructions from ASI Khali Ram, admits the aforesaid fact and states that initially, though the FIR in question was registered under Sections 354, 366, 496 and 506 IPC, but later on, the Challan was presented against the petitioner under Sections 354-D, 366, 496, 506, 420, 467, 468, 471 and 120-B IPC.

This Court vide order dated 16.11.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioner as well as respondent No.2-complainant have appeared before learned Additional Sessions Judge, Gurugram (erstwhile Gurgaon) and got their joint statement recorded on 17.12.2018. On the basis of the statements so recorded by the parties, learned trial Court has submitted the report dated 19.12.2018 to the effect that the compromise is genuine one running made voluntarily and with a free will.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Pankaj Yadav. She along with the petitioner made a joint statement before learned trial Court in support of the compromise on 17.12.2018, which reads as under:

“Stated that we were married to each other on 14.06.2015 and we got at decree of divorce with mutual consents on 16.1.2018. The present FIR No.486 dated 07.06.2016 under

Sections 354-D, 366, 496, 506, 420, 467, 468, 471 and 120-B IPC, PS City, Gurugram is continuing against Ashok Yadav and Ors. With the intervention of near and dear ones, a settlement took place between us on 24.04.2018. Copy of said statement is "Mark C1" and original of this settlement is running presented before Hon'ble High Court in CRM-M-37385-2016 (mediation case No.348 of 2018) titled as 'Ashok Yadav Vs State of Haryana others', which is continuing regarding quashment of FIR in hand. Hon'ble High Court vide order dated 16.11.2018 has directed both of us to appear before this court for getting our statement recorded with regard to compromise. Hence, the present statement. It is been made by us without any pressure or fear. FIR under reference may please be quashed."

Learned State counsel and learned counsel for respondent No.2-complainant have not disputed the factum of compromise effected between the parties.

Counsel for the petitioner and respondent No.2-complainant are ad idem that the divorce petition filed by them under Section 13-B of the Hindu Marriage Act, 1955 has already been allowed and both the parties have withdrawn their respective cases and as on date, there is no other case between them.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

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 well as the law laid down in *Gold Quest International Private Limited's case (supra)*, the present petition is allowed and the FIR No.486 dated 06.06.2016 under Sections 354, 366, 496 and 506 IPC (Sections 354-D, 420, 467, 468, 471 and 120-B IPC added later on) registered at Police Station Gurgaon City (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement dated 24.04.2018 (Annexure P-3) effected between the parties before the Mediation and Conciliation Centre of this Court, however, subject to payment of costs of Rs.20,000/- to be paid by the petitioner to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

January 17, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No