

273.

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

CRM-M-19107-2019

Date of decision: 16.08.2019

NARENDER SHARMA

... Petitioner

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana,
for respondent No.1.

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 F.I.R. No.417 dated 23.05.2017 registered under Sections 406, 498A of IPC at Police Station Sarai Khawaja, Faridabad, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.07.2018 (Annexure P-2).

This Court vide order dated 29.04.2019 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 Additional Chief Judicial Magistrate, Faridabad and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 08.07.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Alisha Sharma @ Guudu but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 31.05.2019 to the effect that she has compromised the matter with the accused-petitioner voluntarily and without any coercion or undue influence and she has no objection in case the FIR in question is quashed qua the petitioner.

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 FIR.

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***

Limited's case (*supra*), this petition is allowed and F.I.R. No.417 dated 23.05.2017 registered under Sections 406, 498A of IPC at Police Station Sarai Khawaja, Faridabad, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 17.07.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

16.08.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No