

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

278

CRM-M-42135-2018

Date of Decision:11.07.2019

Davender Saini and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

**Present: Mr. Vaibhav Parashar, Advocate,
for the petitioners.**

Mr. Manish Bansal, D.A.G., 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.1391 dated 20.11.2017 under Section 498-A, 323, 376, 377, 406, 506, 511 IPC, registered at Police Station Ballabgarh City, Faridabad (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of joint-statement made in the petition under Section 13-B of the Hindu Marriage Act(Annexure P-3).

Petitioner No.1 is husband of respondent No.2-Pooja, petitioner Nos.2 and 3 are parents-in-laws, whereas petitioner No.4 is younger brother-in-law of the complainant. Learned counsel for the petitioners states that so far as allegations under Sections 376 read with Section 511 IPC are concerned, these are against petitioner Nos.2, 3 and 4. He further states that in fact rape was never committed upon the complainant and as

of the case is that as there were temperamental differences between the parties, respondent No.2 got the aforesaid FIR registered against the petitioners-accused. However, on the basis of compromise, the petition under Section 13-B of the Hindu Marriage Act has been allowed and divorce has been granted.

This Court vide order dated 05.02.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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 Addl. Sessions Judge, Fast Track Court, Faridabad and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.02.2019 to the effect that the compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence.

Though no one is present on behalf of respondent No.2-complainant Pooja in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Addl. Sessions Judge on 26.02.2019. The same is reproduced as under:-

“Stated that I have compromised with all the accused with my sweet will and without any pressure, coercion and misrepresentation. The said compromise between me and the accused will helpful to bring our relations in a streamline and will be helpful to create cordial relations between both the families. I further state that myself as well as accused Devender have jointly preferred a petition u/s 13-B of Hindu Marriage Act. The compromise between me and accused has been arrived at with the intervention of the relatives of both the parties.”

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) 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.1391 dated 20.11.2017 under Sections 498-A, 323, 376, 377, 406, 506, 511 IPC, registered at Police Station Ballabgarh City, Faridabad (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of joint statement made in the petition under Section 13-B of the Hindu Marriage Act(Annexure P-3).

July 11, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No