

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

241

CRM-M-42504-2018

Date of Decision:29.01.2019

Dinesh Kumar

.....Petitioner

Versus

The State of Haryana and another

.....Respondents

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

**Present: Ms. Amanpreet Kaur, Advocate,
for the petitioner.**

Mr. Manish Bansal, D.A.G., Haryana.

**Sh. Shive Kumar, father of respondent No.2-Anu
present in person.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.301 dated 24.04.2015 (Annexure P-1) under Sections 498-A, 406, 323, 452, 494, 377, 504, 506, 120-B IPC, registered at Police Station City Thanesar, Kurukshetra and all the consequential proceedings arising therefrom on the basis of compromise dated 23.09.2018 (Annexure P-2).

Learned counsel for the petitioner states that there was a matrimonial dispute between the petitioner and respondent No.2. After having been compromised the matter, now they are residing together at Germany.

This Court vide order dated 27.09.2018 had directed the parties

to appear before the trial Court/Illaqa 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 Chief Judicial Magistrate, Kurukshetra and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 16/17.01.2019 to the effect that the compromise appeared to be genuine and voluntarily made out of free will of the parties and no PO proceedings are pending against any of them.

Petitioner-Dinesh Kumar and respondent No.2-complainant-Anu, have made a joint statement with regard to compromise before learned Magistrate on 16.01.2019. The same is reproduced as under:-

“Stated that we have voluntarily and amicably settled our dispute without any coercion, pressure and undue influence. It is stated that no PO proceedings are pending against any of the parties and there is no objection if the present FIR is quashed.”

Learned State counsel as well as father of respondent No.2, who is present in the Court, have 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.

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.301 dated 24.04.2015 (Annexure P-1) under Sections 498-A, 406, 323, 452, 494, 377, 504, 506, 120-B IPC, registered at Police Station City Thanesar, Kurukshetra and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 23.09.2018 (Annexure P-2), subject to payment of costs of ₹10,000/- to be paid within 15 days from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. The petitioner shall produce a receipt with the Registry.

January 29, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No