

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-42726-2018

Date of Decision:24.09.2019

Vikas Sharma and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Rajesh Kumar Garg, Advocate,
for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Arun Gupta, 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 FIR No.471 dated 17.09.2013 under Sections 406, 498-A, 323, 506 IPC, registered at Police Station Ambala Cantt.(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-deed dated 04.09.2018 (Annexure P-3).

This Court vide order dated 24.05.2019 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 Judicial Magistrate 1st Class, Ambala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 24.07.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Surbhi Thukral, has made a statement with regard to compromise before learned Magistrate on 23.07.2019. The same is reproduced as under:-

“I (complainant Surbhi wife of Vikas Sharma, d/o Ramesh Chander Thukral) state that the dispute arising out of aforesaid FIR No.471 dated 17.9.2013, under Sections 323, 406, 498-A and 506 of IPC, Police Station Ambala Cantt. has been compromised with the accused. The matter has been compromised with the intervention of the respectables of the society and members of the family with a view to secure peaceful life for both the parties and in order to avoid any bad blood between the parties in future. The compromise has been arrived at with the consent of both the parties and without any undue influence and pressure from any side. I shall remain bound by terms of the compromise. I have no objection, if on the basis of the compromise the proceeding of the aforesaid criminal case may be quashed against the accused.”

Learned State counsel as well as learned counsel for respondent No.2 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. 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.471 dated 17.09.2013 under Sections 406, 498-A, 323, 506 IPC, registered at Police Station Ambala Cantt.(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise-deed dated 04.09.2018 (Annexure P-3).

September 24, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No