

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

CRM-M-20783-2019

Date of decision:08.11.2019

Dinesh Malik

... Petitioner

versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. M.S. Kathuria, Advocate,
for the petitioner.

Mr. R.K. Singla, AAG, Haryana.

Mr. Amit Wadhwa, Advocate for
Mr. Parvesh Jaglan, 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 F.I.R. No.35 dated 28.01.2016 registered under Sections 498-A, 406, 34 of IPC at Police Station City Bahadurgarh, District Jhajjar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 07.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded in support of the compromise and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Report has been received. Statement of complainant/respondent No.2 Alka has been recorded wherein she has stated that she does not want to proceed further until the divorce petition filed by the parties under Section 13-B of the Hindu Marriage Act is decided. The case before the matrimonial court is fixed for 30th September, 2019 so as to record the second motion statement.

At this stage, counsel for respondent No.2 has not disputed the very factum of compromise and further stated that decree of divorce under Section 13-B of Hindu Marriage Act has been passed by the matrimonial court and he has no objection in case the present FIR is quashed.

Learned State counsel has no serious objection in case the FIR is quashed on the basis of compromise.

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 (2012) 10 SCC 303*** as also in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and F.I.R. No.35 dated 28.01.2016 registered under Sections 498-A, 406, 34 of IPC at Police Station City Bahadurgarh, District Jhajjar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise (Annexure P-2), however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the Pandit Bhagwat

Dayal Sharma Post Graduate Institute of Medical Sciences (PGIMS),
Rohtak, within one month from today, which shall be spent on the treatment
of poor patients within the knowledge of Medical Superintendent.

(HARI PAL VERMA)
JUDGE

November 08, 2019
m. sharma

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