

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

284

CRM-M-20959-2019

Date of Decision:28.08.2019

Jaspal Singh and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

**Present: Ms. Divya Sharma, Advocate,
for the petitioners.**

Ms. Gaganpreet Kaur, AAG, 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.132 dated 31.10.2018 under Sections 323, 354-A, 377, 406, 498-A, 506 IPC, registered at Police Station Kalka, District Panchkula (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-deed dated 27.12.2018 (Annexure P-2).

Learned counsel for the petitioners states that in terms of the compromise, the parties have decided to part their ways.

This Court vide order dated 08.05.2019 had directed the parties to appear before the trial Court/Illaq 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 Judicial Magistrate 1st Class, Kalka and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.08.2019 to the effect that the compromise effected between the parties is out of their own free Will and without any threat or coercion from any side. The compromise also appears to be voluntarily in nature.

Though no one is present on behalf of respondent No.2-complainant-Gagandeep Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before the learned Magistrate on 29.05.2019 to the effect that she has compromised the matter without any pressure or fear and she has no objection if the FIR in question registered against the petitioners-accused is quashed.

Learned State counsel, on instructions from ASI Rohtash, does not dispute the very 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

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.132 dated 31.10.2018 under Sections 323, 354-A, 377, 406, 498-A, 506 IPC, registered at Police Station Kalka, District Panchkula(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise-deed dated 27.12.2018 (Annexure P-2).

August 28, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No