

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

343

CRM-M-21261-2019

Date of Decision:26.08.2019

Sandeep Badgujar and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: None for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Rohit Rana, 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.37 dated 03.02.2017 under Sections 323, 498-A, 506 IPC, registered at Police Station SGM Nagar, District Faridabad, Haryana (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise/settlement dated 05.04.2019(Annexure P-2).

This Court vide order dated 10.05.2019 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 Judicial Magistrate 1st Class, Faridabad and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 11.07.2019 to the effect that the compromise effected between the parties is without any threat or pressure from either side and is made out of free volition of the parties.

Respondent No.2-complainant, namely, Sangeeta, has made a statement with regard to compromise before learned Magistrate on 08.07.2019. The same is reproduced as under:-

“Stated that the present case FIR No.37 dated 03.02.2017 under Sections 498-A, 323 and 506 of Indian Penal Code, P.S. SGM Nagar, Faridabad was got registered on my complaint, Now due to the intervention of the respectable persons of the society the matter has been compromised between the parties amicably and voluntarily without any force, pressure or any sort of undue influence. That now no claim/due of any sort remains between the complainant and the accused and further no grievance remains against the accused qua the present complaint. I do not want to pursue the present Case/FIR against the accused Sandeep Badgujar, Kapoor Singh, Rajwati and Shikha. I have no objection of the instant FIR be quashed.”

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 complaint.

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.37 dated 03.02.2017 under Sections 323, 498-A, 506 IPC, registered at Police Station SGM Nagar, District Faridabad, Haryana(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise/settlement dated 05.04.2019 (Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the **Pandit Bhagwat Dayal Sharma Post Graduate Institute of Medical Sciences, Rohtak** and the said amount would be utilized for the treatment of poor patients within the knowledge of its Director. The petitioners shall produce a receipt with the Registry.

August 26, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No