

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

285

CRM-M-20960-2019

Date of Decision:28.08.2019

Gaurav Diwan and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

**Present: Mr. M.S. Hussain, Advocate for
Mr. B.S. Tewatia, Advocate,
for the petitioners.**

Mr. Vikramjit Singh, Addl. AG, 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.232 dated 24.04.2015 under Sections 498-A, 406, 34 IPC, registered at Police Station Sector-7, Faridabad(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 14.01.2019 (Annexure P-2).

Learned counsel for the petitioners states that in terms of the compromise, the parties have filed a petition under Section 13-B of the Hindu Marriage Act and the joint statement at first motion stage has been recorded on 14.01.2019, whereas statement at second motion stage has been recorded on 24.07.2019 and decree of divorce has already been granted.

Learned State Counsel submits that the Investigating Officer has not come present to assist him in the case.

This Court vide order dated 08.05.2019 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 Judicial Magistrate 1st Class, Faridabad and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 30.05.2019 to the effect that genuine compromise has been entered into between the aforesaid parties voluntarily, without any coercion or undue influence.

Though no one is present on behalf of respondent No.2-complainant-Neeru Puri 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. The same is reproduced as under:-

“Stated that I have compromised the matter with the accused persons. I have entered into compromise with the accused persons without any fear, pressure or coercion. We have filed petition for mutual divorce which is pending for the second motion and is now fixed for 24.07.2019 and I do not have any grudge against the accused persons. I have entered into compromise with the accused persons with my sweet will, without any fear or pressure from anyone. Now I am not at any issue against them. I have no objection if the proceedings of this case are quashed by Hon'ble High Court.”

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.

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.232 dated 24.04.2015 under Sections 498-A, 406, 34 IPC, registered at Police Station Sector-7, Faridabad(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 14.01.2019 (Annexure P-2).

August 28, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No