

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

349

CRM-M-21749-2019

Date of Decision:26.08.2019

Nitin Gupta

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Piyush Bansal, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Siddharth Gulati, 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.0231/2016 dated 28.10.2016 under Sections 34, 406, 498-A, 506 IPC, registered at Women Police Station, Gurgaon, District Gurugram (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of joint statement dated 23.04.2019 made in the petition filed under Section 13-B of the Hindu Marriage Act(Annexure P-3) (colly.).

This Court vide order dated 13.05.2019 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, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 24.05.2019 to the effect that the matter has been settled between the parties amicably/voluntarily without any pressure or coercion.

Respondent No.2-complainant, namely, Nidhi Garg, has made a statement with regard to compromise before learned Magistrate on 20.05.2019. The same is reproduced as under:-

“Stated that a compromise has been arrived between with accused Nitin on 22.04.2019 by which the parties have agreed to proceed with divorce by mutual consent. As such, I do not want to proceed with present complaint/FIR and want to compound the same. Now, the matter has been settled amicably. I have no grievance against accused. I request you that FIR No.231 dated 28.10.2016 be quashed. I affirm that this compromise has been effected with my free will and volition and without any pressure.”

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.

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.0231/2016 dated 28.10.2016 under Sections 34, 406, 498-A, 506 IPC, registered at Women Police Station, Gurgaon, District Gurugram (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of joint statement dated 23.04.2019 made in the petition filed under Section 13-B of the Hindu Marriage Act(Annexure P-3) (colly.), subject to payment of costs of ₹25,000/- to be paid by the petitioner, within a period of one month from today with the **Government Medical College and Hospital, Sector-32, Chandigarh** and the said amount would be utilized for the treatment of poor patients within the knowledge of its Director. The petitioner shall produce a receipt with the Registry.

August 26, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No