

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

295

CRM-M-22978-2019

Date of Decision:14.08.2019

Jatin Jain and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: Petitioner No.1 in person.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.425 dated 17.09.2016 under Sections 498-A, 406, 506 IPC, registered at Police Station Sector-31, Faridabad (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of settlement dated 23.02.2019 (Annexure P-4).

This Court vide order dated 20.05.2019 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 31.05.2019 to the effect that the compromise effected between the parties is genuine, valid, voluntarily and out of their free will.

Though no one is present on behalf of respondent No.2-

complainant-Rumanie in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 30.05.2019 to the effect that they have compromised the matter and she has no objection if the FIR in question registered against the petitioners-accused is quashed.

ASI Anil Kumar, the investigating officer is present in the Court. He does not dispute the very factum of compromise between the parties and submits that statements of the parties have been recorded on 30.05.2019.

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 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.425 dated 17.09.2016 under Sections 498-A, 406, 506 IPC, registered at Police Station Sector-31, Faridabad (Annexure P-1) and all the consequential

proceedings arising therefrom are hereby quashed qua the petitioners on the

basis of settlement dated 23.02.2019 (Annexure P-4), subject to payment of costs of ₹25,000/- 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 spent for the treatment of poor patients within the knowledge of its Director. The petitioners shall produce a receipt with the Registry.

The parties shall adhere to the terms & conditions of the settlement dated 23.02.2019 in letter and spirit.

August 14, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No