

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-22098 of 2019.

Decided on:- August 21, 2019.

Pushpender Kumar.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Nipun Vashist, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Rajiv Sidhu, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.93 dated 16.03.2018 under Sections 323, 324, 377, 498-A, 506 and 509 IPC registered at Police Station Gurgaon City, Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 15.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioner as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Gurugram and got their statements recorded on 03.07.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 08.08.2019 to the effect that the matter has been voluntarily compromised between the parties and the complainant has entered into a settlement with the accused person out of her own volition and same is without any influence or coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Pooja Rani. She has made a statement before learned Magistrate in support of the compromise on 03.07.2019, wherein she has specifically mentioned that she has no objection in case the FIR in question is quashed as the matter has been compromised between the parties.

Reply by way of affidavit of Rajeev Kumar, HPS, Assistant Commissioner of Police, City Gurugram filed on behalf of respondent No.1-State in Court today, is taken on record.

Learned State counsel, on instructions from ASI Jagdish Chander states that the offence under Section 377 IPC has been deleted during the course of investigation and the charges have been framed against the petitioner under Sections 323, 324, 498-A, 506 and 509 IPC vide order dated 14.03.2019 passed by learned Judicial Magistrate 1st Class, Gurugram.

Learned counsel for respondent No.2-complainant and learned State counsel do not dispute the factum of compromise entered between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

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 the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become 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.

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*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as well as the law laid down in ***Gold Quest International Private Limited's case (supra)***, the present petition is allowed and the FIR No.93 dated 16.03.2018 under Sections 323, 324, 377, 498-A, 506 and 509 IPC (Section 377 IPC deleted later on) registered at Police Station Gurgaon City, Gurugram (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise (Annexure P-2), however, subject to payment of costs of Rs.10,000/- to be paid by the petitioner to the Non-Government Organization (NGO), namely, The Earth Saviours Foundation, Bandhwari Village, Gurgaon-Faridabad

Road, near TERI Golf Course, District Gurgaon within a period of one month from today.

August 21, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No