

265.

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

CRM-M-48761-2018

Date of decision:06.02.2019.

DEEPAK & ORS

... Petitioners

versus

STATE OF HARYANA & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Abhimanyu Batra, Advocate,
for the petitioners.

Mr. Manish Bansal, DAG, Haryana,
for respondent No.1.

Mr. S.K. Jindal, Advocate, for
Mr. Paramdeep Singh, 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 F.I.R. No.276 dated 28.09.2012 registered under Sections 498-A, 323, 406, 506 of IPC at Police Station Manesar, District Gurgaon (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.09.2018 (Annexure P-2).

This Court vide order dated 02.11.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Gurugram and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.01.2019 to the effect that the compromise has been effected between the parties with their free will, without any pressure or any undue influence from any corner.

Respondent No.2-complainant, namely, Neetu @ Nitin has made her statement with regard to compromise before the learned Magistrate on 29.11.2018. The same is reproduced as under:-

“Stated that I have entered into compromise/settlement with accused Deepak s/o Balawan Singh, Balwan Singh s/o Hukam Chand, Sakuntala Devi w/o Balwant Singh. I have received permanent alimony from my husband Deepak and divorce also been granted by the court of Sh. Sudhir Parmar, APFJ GGN. (Additional Principal Judge, Family Court, Gurugram) on 27.9.2018. Said compromise/settlement entered by me with the accused persons mentioned above is voluntarily with my free will and without any undue pressure and coercion. I have no objection if the FIR be quashed against the accused person.”

Learned counsel for the petitioners has relied upon the order dated 27.09.2018 whereby the parties have settled their disputes amicably. He states that though the statement is not happily worded, but the complainant has come forward to depose in favour of compromise by appearing before the learned Judicial Magistrate Ist Class on 29.11.2018.

Learned counsel for respondent No.2-complainant fairly states that the matter has been compromised between the parties.

Learned State counsel also does not dispute 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 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 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 also in the light of **Gold Quest International Private Limited's case (supra)**, this petition is allowed and F.I.R. No.276 dated 28.09.2012 registered under Sections 498-A, 323, 406, 506 of IPC at Police Station Manesar, District Gurgaon (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 27.09.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the Legal Services Authority, Haryana.

(HARI PAL VERMA)
JUDGE

06.02.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No