

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

294

CRM-M-22942-2019(O&M)

Date of Decision:14.08.2019

Arun Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: None.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.157 dated 06.06.2017 under Sections 34, 354, 377, 406, 498-A, 506 IPC, registered at Police Station Women, Gurugram (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 07.05.2019 (Annexure P-2).

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, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.06.2019 to the effect that the matter has been

settled between the parties amicably, voluntarily and without any pressure

or coercion.

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

“Stated that a compromise has been arrived between the parties on 07.05.2019 by which a joint petition under Section 13 B of HMA before the Principal Judge Family Court, Gurugram and statement of first motion was recorded by the parties there. The complainant has been received Rs.12 lacs by way of DD from the Arun Kumar/husband and today she has received DD No.510511 dated 29.05.2019 of 1,50,000/- before this Hon'ble Court and balance of Rs.1,50,000/- shall be given at the time of second motion by the Arun Kumar to complainant as full and final settlement amount which was mutually agreed as total 15,00,000/-. As per settlement the complainant has received a total amount 13,50,000/- . The complainant shall have no objection if present FIR against applicant/accused Arun Kumar be quashed. The complainant do not want to proceed the 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.0157 dated 06.06.2017, PS Women Sector-51, Gurugram be quashed. I affirmed that this compromise has been effected with my free will and volition and without any pressure.”

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)

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.157 dated 06.06.2017 under Sections 34, 354, 377, 406, 498-A, 506 IPC, registered at Police Station Women, Gurugram(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 07.05.2019(Annexure P-2).

August 14, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No