

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

CRM-M-28623 of 2019.

Decided on:- October 22, 2019.

Harvinder Singh.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Raghav Sharma, Advocate
for the petitioner.

Mr. R.K. Singla, AAG, Haryana.

Mr. Abhivadya Sood, 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.162 dated 09.12.2016 under Sections 406, 498-A, 323 and 506 IPC registered at Police Station Gharinda, Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 04.05.2019 (Annexure P-2).

This Court vide order dated July 08, 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 Chief Judicial Magistrate, Amritsar and got their statements recorded on 31.07.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 03.09.2019 to the effect that the compromise is genuine and voluntary and is without any coercion or undue influence.

Learned counsel for the petitioner states that the matter has been compromised between the parties and resultantly, the petitioner and respondent No.2 are staying together as husband and wife.

Learned counsel for respondent No.2-complainant does not dispute the aforesaid fact.

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.162 dated 09.12.2016 under Sections 406, 498-A, 323 and 506 IPC registered at Police Station Gharinda, Amritsar Rural (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 04.05.2019 (Annexure P-2).

October 22, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No