

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

CRM-M-23570 of 2019.

Decided on:- September 16, 2019.

Ashish and another

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Ms. Stuti Goel, Advocate for
Mr. Akshay Kumar Jindal, Advocate
for the petitioners.

Mr. R.K. Singla, A.A.G., Haryana.

None 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.19 dated 26.02.2018 under Sections 323, 498-A and 406 IPC registered at Women Police Station Gurgaon, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/joint statement dated 18.04.2019 (Annexure P-2).

This Court vide order dated 22.05.2019 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 petitioners as well as respondent No.2-complainant have appeared before learned Judicial

Magistrate 1st Class, Gurugram and got their statements recorded on 22.07.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 25.07.2019 to the effect that the matter has been settled between the parties amicably/voluntarily, without any pressure or coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Priyamvada. Though none has put in appearance on behalf of respondent No.2, but it would not cause any prejudice to her in any manner as she has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 22.07.2019 reads as under:

“Stated that due to intervention of respectable persons, a mutual compromise has been arrived at. Therefore, upon our free will and volition and without any pressure, we have filed joint petition for quashing of aforesaid criminal proceedings against us before the Hon’ble Punjab and Haryana High Court order dated 22.05.2019. Now, the matter has been settled amicably. We have no grievance against each other. The said compromise has also been filed before Hon’ble Punjab and Haryana High Court in writing on 16.09.2019.”

Learned State counsel has not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners 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.19 dated 26.02.2018 under Sections 323, 498-A and 406 IPC registered at Women Police Station Gurgaon, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/joint statement dated 18.04.2019 (Annexure P-2).

September 16, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No