

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-51499-2018

Date of Decision:-18.07.2019.

Nischal Goyal and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Anshumaan Dalal, Advocate for the petitioners.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Jaswinder Singh, Advocate for respondent No.2.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.731 dated 02.09.2015 under Sections 498-A, 420, 406, 323, 506 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961, registered at Police Station Civil Lines, Gurugram, District Gurugram and proceedings emanating therefrom, on the basis of Memorandum of Understanding (Annexure P-3) arrived at between the parties.

A compromise has been effected before the Mediation Centre, District Courts, Gurugram. Parties are present today. Petitioner has paid Rs.6,00,000/- by way of bank draft to respondent No.2 and the same has been accepted by her. Copy of the said bank draft is taken on record. Both

the parties are ad idem regarding the custody of the child which shall be with the mother and the petitioner shall have no visitory right.

In the present case, the FIR was registered on the statement of Himani Goyal, wife of Nischal Goyal and daughter of Raj Kumar. Now, dispute between the parties has been resolved by way of compromise Annexure P-3.

Vide order dated 16.01.2019, the parties were directed to appear before the trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate First Class, Gurugram wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter, without any coercion or pressure.

Counsel for the State and respondent No.2 have not disputed that the parties i.e. petitioners and respondent No.2 (complainant) have arrived at a settlement with an intent to give burial to their differences.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in **'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543** and in the light of facts and circumstances discussed hereinbefore, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of the process of law and it is expedient in the interest of justice that the same are put to an end.

dated 02.09.2015 under Sections 498-A, 420, 406, 323, 506 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961, registered at Police Station Civil Lines, Gurugram, District Gurugram and proceedings emanating therefrom stand quashed qua the petitioners.

Parties shall remain bound by the terms and conditions of agreement (Annexure P-2) and Memorandum of Understanding (Annexure P-3).

(RAJ SHEKHAR ATTRI)
JUDGE

July 18, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.