

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

**Criminal Misc. No.M-51787 of 2018
Date of Decision: 22.04.2019**

Abhishek Gulia & others

...Petitioner(s)

Versus

State of Haryana & another

...Respondent(s)

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

Present:- Mr. K.S. Dhaliwal, Advocate
for the petitioners.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Mohit Aneja, 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.226 dated 07.08.2014 under Sections 498-A, 406, 506, 120-B IPC registered at P.S. Urban Estate Rohtak, District Rohtak and subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

This Court vide order 17.01.2019 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the

genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Civil Judge (Jr. Divn.)-cum-Judicial Magistrate Ist Class, Rohtak and got their statements recorded. Learned Magistrate has forwarded his report dated 08.02.2019 to the effect that the compromise has been effected between the parties voluntarily without any pressure or coercion and the same is genuine. Statement of the complainant - Ritu Choudhary has also been recorded which reads as under:-

“Stated that I have arrived at a compromise with accused Abhishek son of late Sh. Shaymbir Gulia, Vinay son of Late Shyambir Gulia and Birmati wife of late Sh. Shyambir Gulia, all residents of H.No.RZ 23L, New Roshanpura, Najafgarh, New Delhi. We have compromised the matter voluntarily and with my free will and consent and without any coercion and undue influence”.

Mr. Mohit Aneja, Advocate has put in appearance on behalf of respondent no.2-complainant and filed his *vakalatnama* in Court which is taken on record. He has not disputed the factum of compromise between the parties.

Learned State counsel also does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise so arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Hon'ble the Apex Court in **Gold Quest International Private**

Ltd. vs. 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.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303 and also in the light of judgment of the Apex Court in **Gold Quest International Private Ltd. vs. State of Tamil Nadu and others** (supra), this petition is allowed and FIR No.226 dated 07.08.2014 under Sections 498-A, 406, 506, 120-B IPC registered at P.S. Urban Estate Rohtak, District Rohtak (Annexure P-1) and subsequent proceedings arising therefrom are quashed *qua* the petitioners, on the basis of compromise (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/-, to be deposited with the Poor Patients Welfare Fund of the Post Graduate Institute of Medical education and Research (PGIMER), Chandigarh within a period of one month from today.

April 22, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No`