

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

CRM-M-51798 of 2018.

Decided on:- January 28, 2019.

Parmod and others

.....Petitioners.

Versus

The State of Haryana and another

.....Respondents.

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

Present:- None.

HARI PAL VERMA, J. (Oral)

On account of sad demise of two young law officers of the office of Advocate General, Punjab, lawyers are abstaining from work today.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of the FIR No.1015 dated 28.12.2017 under Sections 498-A, 323, 406 and 506 read with Section 34 IPC registered at Police Station Mujesar, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.11.2018 (Annexure P-2).

This Court vide order dated 26.11.2018 had directed the parties to appear before the 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, Faridabad and got their statements recorded on 08.01.2019. On the basis of the statements so recorded by the parties, learned

Magistrate has submitted the report dated 10.01.2019 to the effect that the compromise effected between the parties is without any threat or pressure from either of the sides and is a valid compromise.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Dolly. Her statement in support of the compromise made before learned Magistrate on 08.01.2019 reads as under:

“Stated that the present case FIR No.1015 dated 28.12.2017 under Section 498-A/323/406/506/34 IPC, P.S. Mujjesar, Faridabad was got registered on my complaint. Now, due to the intervention of the respectable persons of the society the matter has been compromised between the parties amicably and voluntarily without any force, pressure or any sort of undue influence. I have no pressure or coercion to settle the present case with the accused. No grievance remains against the accused qua the complaint. As per compromise deed Ex.C-1 dated 16.11.2018, the matter has been settled in the sum of Rs.2,45,000/- out of which I received part payment of Rs.1,20,000/- from the accused in first motion in Section 13-B before the District Family Judge, Faridabad. Remaining payment of Rs.1,25,000/- will be paid by the accused/husband Parmod at the time of second motion. I do not want to pursue the present case/FIR against the accused Parmod, Ram Kishan, Rani and Pankaj.”

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.1015 dated 28.12.2017 under Sections 498-A, 323, 406 and 506 read with Section 34 IPC registered at Police Station Mujjesar, District Faridabad (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.11.2018 (Annexure P-2).

January 28, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No