

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-23927-2019

Date of Decision:02.09.2019

Sazid Ali and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Inderjeet Singh, Advocate,
for the petitioners.

Mr. Vikramjit Singh, Addl. AG, 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.17 dated 22.01.2015 under Sections 498-A, 323, 325, 506 IPC, registered at Police Station Bilaspur, District Yamuna Nagar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 18.05.2019 (Annexure P-2).

This Court vide order dated 24.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Sub Division, Bilaspur and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 19.07.2019 to the effect that the compromise has been arrived at with free consent of the parties and without any undue influence or coercion from any side.

Though no one is present on behalf of respondent No.2-complainant-Rizwana Begam in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 19.07.2019 to the effect that she has compromised the matter without any fear or pressure and she has no objection if the present FIR registered against the petitioners-accused is quashed.

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

Precisely speaking, statement of complainant-Rizwana Begam reads as under:-

“Stated that I have effected a compromise with the accused persons i.e. my husband and my mother-law without any fear and pressure. For the last one year, I have been staying with my husband and mother-in-law happily. I have no objection to the present FIR being quashed. We have effected this compromise keeping in view the future of children and ourselves. No accused in the present case is absconder.”

In view of the above statement of complainant, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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 when the disputes are substantially matrimonial in nature,

or are civil property disputes with criminal facets, if the parties enter into a

settlement, and it becomes 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 of India.

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*, as approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303* also, in the light of *Gold Quest International Private Limited's case (supra)*, this petition is allowed and FIR No.17 dated 22.01.2015 under Sections 498-A, 323, 325, 506 IPC, registered at Police Station Bilaspur, District Yamuna Nagar(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 18.05.2019 (Annexure P-2).

September 02, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No