

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

CRM-M-53663 of 2018.

Decided on:- August 09, 2019.

Satyender 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)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.637 dated 05.11.2016 under Sections 498-A, 406 and 323 I.P.C. registered at Police Station Sampla, District Rohtak (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 12.11.2018 (Annexure P-2).

This Court vide order dated 05.12.2018 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, petitioner No.1 as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Rohtak and got their joint statement recorded on 20.12.2018. On the basis of the joint statement so recorded by the parties, learned Magistrate has submitted the report dated 09.05.2019 to the effect that

the compromise between the parties is genuine, voluntarily and out of their free will.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Rinku. She along with petitioner No.1 has already made a joint statement before learned Magistrate in support of the compromise on 20.12.2018, wherein it is mentioned that the matter has been compromised between both the parties without any pressure, fear or greed and the complainant has no objection if the FIR is quashed.

Even otherwise, the reply by way of affidavit of Narender Kadiyan, HPS, DSP, Rohtak already placed on record on behalf of respondent No.1-State shows that except petitioner No.1 Satyender, the other accused i.e. petitioners No.2 to 5, namely, Satbir, Santosh, Devender and Sunil Dutt have not been found involved in the case and they have been given clean chit.

Moreover, the copies of judgment and decree dated 23.04.2019 passed by learned Additional Principal Judge, Family Court, Rohtak (Annexures A-1 and A-2) reveal that the marriage between petitioner No.1 and respondent No.2 has been dissolved by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955.

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 FIR No.637 dated 05.11.2016 under Sections 498-A, 406 and 323 I.P.C. registered at Police Station Sampla, District Rohtak (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise by way of affidavit dated 12.11.2018 (Annexure P-2).

August 09, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No