

124.

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

CRM-M-25275-2019

Date of decision: 27.09.2019

AMIT AND OTHERS

... Petitioners

versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. S.K. Verma, Advocate,
for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana,
for respondent No.1.

None for respondents No.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0678 dated 15.10.2018 registered under Sections 323, 34, 406, 498A, 506 of IPC at Police Station Dadri Sadar, District Charkhi Dadri (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 25.03.2019 (Annexure P-2) as well as affidavits dated 19.04.2019 & 27.03.2019 of respondents No.2 and 3 (Annexures P-3 & P-4) respectively.

This Court vide order dated 30.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Additional Chief Judicial Magistrate, Charkhi Dadri and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 12.09.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Kamal Singh as well as respondent No.3 (daughter of Kamal Singh), but no prejudice would be caused to them as they have already made a joint statement with regard to compromise before learned Magistrate on 02.09.2019. The same is reproduced as under:-

“Stated that the case FIR No.678 dated 15.10.2018, under Sections 323/406/498A/506 r.w. Section 34 IPC, P.S. Sadar Dadri was got registered by us. After registration of F.I.R., with the intervention of respectables of the society and relatives, the matter has been compromised and both the parties have no objection if the F.I.R. in question is quashed.”

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

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 also in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and F.I.R. No.0678 dated 15.10.2018 registered under Sections 323, 34, 406, 498A, 506 of IPC at Police Station Dadri Sadar, District Charkhi Dadri (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 25.03.2019 (Annexure P-2) as well as affidavits dated 19.04.2019 & 27.03.2019 of respondents No.2 and 3 (Annexures P-3 & P-4) respectively, however, that would be subject to payment of costs of Rs.15,000/- to be deposited with the Pandit Bhagwat Dayal Sharma Post Graduate Institute of Medical Sciences (PGIMS), Rohtak, within one month from today.

(HARI PAL VERMA)
JUDGE

27.09.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No