

125.

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

CRM-M-25295-2019

Date of decision: 27.09.2019

AJAY KUMAR AND OTHERS

... Petitioners

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Kuldeep Vashishth, Advocate,
for the petitioners.

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

Mr. Pintu Kumar, 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 F.I.R. No.307 dated 12.08.2015 registered under Sections 498A/406/506 of IPC at Police Station Bilaspur, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement dated 10.08.2018 (Annexure P-2) as well as affidavit of respondent No.2-complainant dated 28.05.2019 (Annexure P-3).

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 Civil Judge (Senior Division)-cum-SDJM, Pataudi and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 01.08.2019 to the effect that the compromise has been effected between the parties voluntarily, without any influence and threat.

Respondent No.2-complainant, namely, Poonam has made her statement with regard to compromise before learned Magistrate on 26.07.2019 to the effect that she has compromised the matter with the accused with her own will and without any pressure and she has no objection in case the present FIR is quashed qua the petitioners.

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.307 dated 12.08.2015 registered under Sections 498A/406/506 of IPC at Police Station Bilaspur, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement dated 10.08.2018 (Annexure P-2) as well as affidavit of respondent No.2-complainant dated 28.05.2019 (Annexure P-3), 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