

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

CRM-M-26425 of 2019.

Decided on:- October 16, 2019.

Arvind Kumar and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Manjit Singh Reen, Advocate
for the petitioners.

Ms. Priyanka Sadar, A.A.G., Haryana.

Respondent No.2-complainant in person.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.359 dated 17.09.2018 under Sections 323, 406, 498-A and 506 IPC registered at Police Station Farakpur, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement agreement dated 27.02.2019 arrived at Mediation and Conciliation Centre of this Court (Annexure P-2).

This Court vide order dated 01.07.2019 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, the petitioners as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri and got their statements recorded on 01.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 22.08.2019 to the effect that the compromise is genuine, without any pressure or undue influence.

Learned counsel for the petitioners states that the matter has been compromised between the parties and resultantly, petitioner No.1 and respondent No.2 are staying together as husband and wife since 08.03.2019.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Neeraj. She is present in Court in person and is identified by none else than the petitioner No.1, who is husband of respondent No.2. Petitioner No.1 is further identified by learned counsel for the petitioners. Respondent No.2 fairly states that she is staying with petitioner No.1 as his wife.

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

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.359 dated 17.09.2018 under Sections 323, 406, 498-A and 506 IPC registered at Police Station Farakpur, District Yamuna Nagar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of settlement agreement dated 27.02.2019 arrived at Mediation and Conciliation Centre of this Court (Annexure P-2).

October 16, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No