

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-28251-2019(O&M)

Date of Decision:25.09.2019

Deepak and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: Ms. Neeru Thakur, Advocate for
Ms. Monisha Lamba, Advocate,
for the petitioners.

Ms. Priyanka Sadar, AAG, 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.37 dated 09.04.2019 under Sections 323, 34, 406, 498-A, 506 IPC, registered at Police Station Women West Gurugram, District Gurugram (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-deed/affidavit dated 04.06.2019 (Annexures P-2 & P-3), respectively.

This Court vide order dated 05.07.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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, the parties have appeared

before learned Chief Judicial Magistrate, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.08.2019 to the effect that the compromise between the parties appears to be genuine and valid.

Though no one is present on behalf of respondent No.2-complainant Sonam 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 25.07.2019. The same is reproduced as under:-

“Stated that an amicable settlement has been effected upon the intervention of the respectable members of society and relatives and all the disputes have been amicably resolved and now there is no ill-will between us. A settlement deed had already been filed before the Hon'ble High Court in the petition under section 482 Cr.P.C. for quashing the FIR. Moreover, the petition under section 125 Cr.P.C. filed by me against Deepak (accused) has already been dismissed as withdrawn from the respective court of Sh. R.K. Jain, Ld. Additional Principal Judge, Family Court, Gurugram and DV Act case filed by me against accused Deepak and his family members has also been withdrawn from the court of Sh. Madhur Bajaj, JMIC, Gurugram with mutual consent of both the parties. Whereas, Deepak, had also filed the petition under section 9 of Hindu Marriage Act against me and the same was also dismissed as withdrawn from the family court of Meerut. Also as per statement of Deepak, one criminal complaint filed by Deepak against me and my family members has also been withdrawn from Munsif(JMIC) Court Meerut with mutual consent of both the parties.

In lieu of amicable settlement, I am not willing to pursue the FIR no. 37 dated 9.4.2019 under sections 323/506/406/498 A of IPC registered at Police Station Women West, Gurugram. Now presently I am residing with my parents and do not want to take any action against him or his family members. I have no objection, if the aforesaid FIR no.37 dated 09.04.2019 and the proceedings pending before Criminal Court Gurugram thereof

are quashed. I have willfully given my statement without any force, pressure or coercion whatsoever.”

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

In view of the above, 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.37 dated 09.04.2019 under Sections 323, 34, 406, 498-A, 506 IPC, registered at Police Station Women West Gurugram, District Gurugram (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise-deed/affidavit dated 04.06.2019(Annexures P-2 & P-3), respectively.

September 25, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No