

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

CRM-M-28416 of 2019.

Decided on:- October 22, 2019.

Nikhil Bansal and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Vikram Satpal Anand, Advocate
for the petitioners.

Mr. R.K. Singla, AAG, Haryana.

Mrs. Ritam Aggarwal, 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 FIR No.16 dated 01.02.2019 under Sections 323, 377, 406, 498-A and 506 IPC registered at Women Police Station Panchkula, District Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.07.2019 (Annexure P-2).

This Court vide order dated July 08, 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 and respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Panchkula and got their statements recorded on 14.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted

report dated 16.08.2019 to the effect that both the parties have made their statements as per their own free will and without any pressure and compromise is genuine and voluntarily.

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.

Learned counsel for respondent No.2-complainant does not dispute the aforesaid fact.

Petitioner No.1 and respondent No.2 are also present in Court and they have been identified by their respective counsel.

Learned State counsel also does not dispute the factum of compromise between the parties.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Shikha Bansal. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 14.08.2019 reads as under:

“Stated that I had lodged present FIR bearing No.16 dated 01.02.2019 under Sections 323, 406, 377, 498A, 506 of IPC, Police Station, Women, Sector 5, Panchkula against Nikhil Bansal, Hem Chander Bansal, Neha Bansal and Nidhi and now, matter has been compromised between me and aforesaid persons vide compromise deed Ex.C1 and said compromise has been effected without any pressure, duress and coercion with my consent. I have no objection if the present FIR is quashed. It is further submitted that I have decided to live with my husband.”

Considering the fact that the petitioner No.1 and respondent No.2 are staying together as husband and wife, 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.16 dated 01.02.2019 under Sections 323, 377, 406, 498-A and 506 IPC registered at Women Police Station Panchkula, District Panchkula (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 03.07.2019 (Annexure P-2).

October 22, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No