

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

CRM-M-29303 of 2019.

Decided on:- October 16, 2019.

Prem Chand.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Rohit Mittal, Advocate
for the petitioner.

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

Mr. Shashikant Gupta, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.64 dated 08.05.2018 under Sections 498-A, 323, 406, 376 and 506 read with Section 34 IPC registered at Police Station Narnaul, District Mahendergarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 31.05.2019 (Annexure P-2).

This Court vide order dated 12.07.2019 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, Narnaul and got their statements recorded on 13.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 12.09.2019 to the effect that the compromise is genuine in view of its terms and conditions and the compromise has been arrived between the parties voluntarily and without any pressure or coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Sonu. She has made a statement before learned Magistrate on 13.08.2019 in support of the compromise, wherein she has stated that the matter has been compromised with intervention of the respectable persons of the village and relatives. She and the petitioner have also filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 before District Court, Narnaul. In view of the compromise, she does not want any legal action against the petitioner and his family members.

Learned counsel for the petitioner states that inadvertently, the offence under Section 376 IPC was added in the head note of the petition, though during investigation, said offence has been deleted.

Learned State counsel, on instructions from LASI Shakuntala, has not disputed the factum of compromise effected between the parties. She states that the challan in the case has been presented under Sections 498-A, 323, 406 and 506 read with Section 34 IPC. Thus, the challan under Section 376 IPC has not been presented in the Court.

Learned counsel for the complainant admits the very factum of compromise between the parties. He states that the complainant and the petitioner have decided to part ways by filing a petition under Section 13-B of the Hindu Marriage Act, 1955 for seeking divorce by way of mutual consent. The complainant has no objection in case the present FIR is quashed.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner 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.64 dated 08.05.2018 under Sections 498-A, 323, 406 and 506 read with Section 34 IPC (offence under Section 376 IPC deleted later on) registered at Police Station Narnaul, District Mahendergarh (Annexure P-1) and all

consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise by way of affidavit dated 31.05.2019 (Annexure P-2).

October 16, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No