

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

273

CRM-M-29127-2019

Date of Decision:29.10.2019

Gaurav Sapra and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Sunil Saharan, Advocate,
for the petitioners.

Mr. Ashish Sanghi, DAG, 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.71 dated 08.10.2016 under Sections 323, 34, 406, 498-A, 506 IPC, registered at Police Station Women Hisar, District Hisar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 07.07.2019 (Annexure P-2).

Learned counsel for the petitioners states that in terms of the compromise entered between the parties, they are staying together as husband and wife.

This Court vide order dated July 11, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

learned Judicial Magistrate 1st Class, Hisar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 27.09.2019 to the effect that the matter has been settled between the parties amicably and compromise is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Rupam, has made a statement with regard to compromise before learned Magistrate on 26.09.2019. The same is reproduced as under:-

“Stated that, I had got lodged FIR No.71 dated 08.10.2016 under Sections 406, 498-A, 323, 506, 34 IPC at Women Police Station, Hisar. Now, the matter has been settled amicably. I have no grievance against accused. From last seven months, I have been residing with my husband (Gaurav Sapra). I have no objection if the FIR is quashed.”

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.71 dated 08.10.2016 under Sections 323, 34, 406, 498-A, 506 IPC, registered at Police Station Women Hisar, District Hisar (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of the compromise dated 07.07.2019 (Annexure P-2).

October 29, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No