

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-30628 of 2019 (O&M)

Date of Decision: 01.10.2019

Deepak & others

...Petitioner(s)

Versus

The State of Haryana & another

...Respondent(s)

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

Present:- Mr. Arav Gupta, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Shiva khurmi, 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.122 dated 08.05.2016 under Sections 323, 406, 498A, 354, 506 and 34 IPC registered at Police Station, Old Faridabad, District Faridabad and subsequent proceedings arising therefrom, on the basis of compromise/joint statements (Annexures P-4 and P-5).

This Court vide order 19.07.2019 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the

genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Judicial Magistrate Ist Class, Faridabad and got their statements recorded. Learned Magistrate has forwarded his report dated 14.08.2019 to the effect that the compromise and settlement arrived at between the two sides is genuine, voluntary and without any threat pressure or undue influence. The joint statement of the complainant along with other family reads as under:-

“Stated that we have mutually compromised the dispute with our own wish and consent and without any pressure. We have left no grudges with each other. We do not want to proceed further the present case.

Complainant 1 and 2 has obtained divorce from accused No.1 and 2 and they have re-married and have no objection to quash the present FIR/proceedings”.

Mr. Shiva Khurmi, Advocate has put in appearance on behalf of respondent no.2-complainant has not disputed the factum of compromise between the parties.

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

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Hon'ble the Apex Court in **Gold Quest International Private Ltd. vs. 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.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303, this petition is allowed and FIR No.122 dated 08.05.2016 under Sections 323, 406, 498A, 354, 506 and 34 IPC registered at Police Station, Old Faridabad, District Faridabad and the subsequent proceedings arising therefrom are quashed *qua* the petitioner, on the basis of compromise/joint statements (Annexures P-4 and P-5).

October 01, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No