

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

CRM-M-30795 of 2019.

Decided on:- October 24, 2019.

Vikas Sharma.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Abhinav Sood, Advocate
for the petitioner.

Mr. R.K. Singla, A.A.G., Haryana.

Mr. Raghav Sharma, 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.928 dated 23.12.2017 under Sections 406, 498-A, 323 and 506 read with Section 34 IPC registered at Police Station Hisar Civil Lines, District Hisar (vernacular) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.07.2019 (Annexure P-1).

This Court vide order dated July 22, 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 petitioner and respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Hisar and got their statements recorded on 23.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report

dated 04.10.2019 to the effect that the statement suffered by the complainant and accused in the open court is without any fear or pressure and the court is satisfied with the voluntary character of statement is given.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Pavika Sharma. She has already made a statement before learned Magistrate in support of the compromise, wherein she has specifically stated that the matter has been compromised with her husband Vikas (petitioner herein), which is Ex.C1. She has further deposed in her statement that the matter has been compromised by her voluntarily, without any fear, coercion or pressure and she has no objection in case the FIR in question is quashed.

Learned counsel for the petitioner states that in terms of the compromise, the petitioner and respondent No.2-complainant have decided to part their ways for which they have already filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by way of mutual consent, wherein their statements at first motion have been recorded and the case is now fixed for 09.01.2020 for recording their statements on second motion.

Learned counsel for respondent No.2-complainant does not dispute the aforesaid contention of learned counsel for the petitioner.

Similarly, learned State counsel has not disputed the factum of compromise effected between the parties.

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.928 dated 23.12.2017 under Sections 406, 498-A, 323 and 506 read with Section 34 IPC registered at Police Station Hisar Civil Lines, District Hisar (vernacular) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 06.07.2019 (Annexure P-1).

October 24, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No