

280.

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

CRM-M-31605-2019

Date of decision: 04.11.2019

RAM AVTAR AND OTHERS

... Petitioners

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

ASI Bijender Singh.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.209 dated 09.10.2013 registered under Sections 498-A, 406, 506, 34 of IPC at Police Station Sector 17/18, Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 17.07.2019 (Annexure P-2).

This Court vide order dated 25.07.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.10.2019 to the effect that the compromise has

been effected between the parties voluntarily, without any pressure or coercion from any corner.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Komal @ Sadhna but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 20.08.2019 to the effect that she has compromised the matter with the accused persons with her own free will and without any pressure and she has no objection in case the present FIR is quashed qua the petitioners.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

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 also in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and F.I.R. No.209 dated 09.10.2013 registered under Sections 498-A, 406, 506, 34 of IPC at Police

Station Sector 17/18, Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 17.07.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Pandit Bhagwat Dayal Sharma Post Graduate Institute of Medical Sciences (PGIMS), Rohtak, within one month from today. The said amount shall be utilized for the welfare of poor patients suffering from cancer diseases within the knowledge of its Head of the Department.

(HARI PAL VERMA)
JUDGE

04.11.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No