

273.

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

CRM-M-31184-2019

Date of decision: 06.11.2019

SUNIL MISHRA

... Petitioner

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jitesh Sharma, Advocate,
for the petitioner.

Mr. R.K. Singla, AAG, Haryana,
for respondent No.1.

Mr. Saurabh Chawla, 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 F.I.R. No.27 dated 01.03.2016 registered under Sections 323, 406, 498A, 506, 120-B of IPC at Police Station Kalka, District Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.06.2019 (Annexure P-2).

This Court vide order dated 24.07.2019 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, Kalka 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 compromise has been effected between the parties with their own free will, and without any threat or coercion from any side.

Respondent No.2-complainant, namely, Pooja has made her statement with regard to compromise before learned Magistrate on 30.08.2019 to the effect that she has compromised the matter with the petitioner and she has no objection in case the present FIR is quashed qua the petitioner.

Counsel for the petitioner, on instructions from the petitioner who is present in the Court, states that in terms of the settlement so arrived at between the parties, a sum of Rs.5.50 lakhs has already been paid to respondent No.2 and the remaining amount of Rs.5.50 lakhs shall be paid at the time of second statement in proceedings under Section 13-B of Hindu Marriage Act.

Counsel for respondent No.2, on instructions from respondent No.2-complainant, who is present in the Court, admits the factum of compromise and the fact that Rs.5.50 lakhs has been received and Rs.5.50 lakhs is outstanding against the petitioner.

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.27 dated 01.03.2016 registered under Sections 323, 406, 498A, 506, 120-B of IPC at Police Station Kalka, District Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 03.06.2019 (Annexure P-2), however, subject to payment of Rs.5.50 lakhs at the time of recording second statement in proceedings under Section 13-B of the Hindu Marriage Act.

(HARI PAL VERMA)
JUDGE

06.11.2019
sanjeev

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