

276.

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

CRM-M-31189-2019

Date of decision: 04.11.2019

GAURAV BHARDWAJ AND ANOTHER

... Petitioners

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.69 dated 08.03.2018 registered under Sections 498-A, 406, 323, 506/34 of IPC at Police Station Mahesh Nagar, Ambala Cantt., Ambala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.07.2019 (Annexure P-2).

This Court vide order dated 23.07.2019 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, Ambala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.09.2019 to the effect that the compromise is

genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Ruby Sharma but no prejudice would be caused to her as she has already made a joint statement alongwith her mother with regard to compromise before learned Magistrate on 16.09.2019. The same is reproduced as under:-

“We (complainant Ruby Sharma d/o A.K. Sharma and wife of Gaurav Bhardwaj and her mother Sunita Sharma) state that the dispute arising out of aforesaid FIR No.69 dated 8.3.2018, under Sections 323, 406, 498-A and 506 read with Section 34 of IPC, Police Mahesh Nagar, has been compromised with the accused. The matter has been compromised with the intervention of the respectables of the society and members of the family with a view to secure peaceful life for both the parties and in order to avoid any bad blood between the parties in future. The compromise has been arrived at with the consent of both the parties and without any undue influence and pressure from any side. I shall remain bound by terms of the compromise. I have no objection, if on the basis of the compromise the proceeding of the aforesaid criminal case may be quashed against the accused.”

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

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.69 dated 08.03.2018 registered under Sections 498-A, 406, 323, 506/34 of IPC at Police Station Mahesh Nagar, Ambala Cantt., Ambala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 18.07.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

The parties shall adhere to the terms of the compromise in letter and spirit.

(HARI PAL VERMA)
JUDGE

04.11.2019
sanjeev

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