

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

CRM-M-32159 of 2019.

Decided on:- December 13, 2019.

Jai Prakash and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Ms. Kamaldeep Kaur, Advocate for
Mr. Sandeep Goyat, Advocate
for the petitioners.

Ms. Priyanka Sadar, A.A.G., Haryana.

None for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.80 dated 06.02.2018 under Sections 294, 498-A, 406, 323, 354-A(2), 377 and 506 IPC registered at Police Station City Bhiwani, District Bhiwani (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 17.07.2019 (Annexure P-2).

Learned counsel for the petitioners states that before filing this petition, petitioners No.2 and 3, namely, Aman and Raman along with other accused Devender Singh had filed a petition for quashing of the aforesaid FIR on merits i.e. ***CRM-M-41368 of 2018*** titled as ***Devender Singh and others Versus State of Haryana and another***. Similarly, petitioner No.4 Biro @

Birmati had also filed a petition i.e. *CRM-M-51810 of 2018* titled as *Birmati alias Biro Versus State of Haryana and another* for quashing of the aforesaid FIR on merits. Later on, accused Devender Singh had died on 12.12.2018 and it is thereafter, the parties had compromised the matter on 17.07.2019 vide compromise deed (Annexure P-2) and in this manner, the present petition has been filed by the petitioners seeking quashing of the FIR on the basis of compromise and the factum of the aforesaid two petitions could not be incorporated in the body of present petition.

This Court vide order dated 26.08.2019 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 petitioners and respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Bhiwani and got their statements recorded in support of the compromise on 27.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 08.11.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence. Learned Magistrate has also reported that one accused, namely, Devender has stated to be died and enclosed the copy of his death certificate along with the report.

Learned State counsel, on instructions from HC Sanjay, states that the respondent-State is not in the knowledge of any such compromise between the parties.

No one is present on behalf of respondent No.2-complainant. However, this Court cannot ignore the fact that the report in support of the compromise has already been received from learned Magistrate. It being a matrimonial dispute between the parties and the FIR in question was registered on the basis of statement of respondent No.2-complainant Sunita. Though no one has put in appearance on her behalf, but it would not cause any prejudice to her as she has already made a statement in support of compromise before learned Magistrate on 27.09.2019, wherein she has stated that she got married with accused Jai Parkash on 17.02.2016 and thereafter, she got registered the FIR in question against the accused persons. However, now the matter has been compromised between them and she does not want to pursue with the case. She has specifically stated that she has compromised the matter with her own will and without any fear, pressure or undue influence.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners 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.80 dated 06.02.2018 under Sections 294, 498-A, 406, 323, 354-A(2), 377 and 506 IPC registered at Police Station City Bhiwani, District Bhiwani (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 17.07.2019 (Annexure P-2), however, subject to payment of total costs of Rs.10,000/- to be paid by the petitioners to Pandit Bhagwant Dayal Sharma Post Graduate Institute of Medical Sciences (PGIMS), Rohtak, which shall be paid by the petitioners within a period of one month from today. This amount shall be utilized for the welfare of poor and needy patients under the supervision of concerned Medical Superintendent.

December 13, 2019

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No