

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

CRM-M-32918 of 2019.

Decided on:- November 26, 2019.

Sunil and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. D.P.S. Bajwa, Advocate
for the petitioners.

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

Ms. Aarti Sharma, Advocate for
Mr. Shalender Mohan, 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.45 dated 14.02.2015 under Sections 406, 498-A and 506 IPC registered at Police Station Sadar Narwana, District Jind (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 20.07.2019 (Annexure P-2).

This Court vide order dated August 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 parties had appeared before learned Judicial Magistrate 1st Class, Narwana and got their statements recorded on 11.09.2019. On the basis of the statements so recorded by the

parties, learned Magistrate has submitted the report dated 13.09.2019 to the effect that the matter has been settled between the parties amicably/voluntarily. The compromise in the present case is genuine, voluntarily and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant. She has already made a statement before learned Magistrate in support of the compromise on 11.09.2019, which reads as under:

“Stated that a compromise has been effected with the accused persons upon my free will and volition and without any pressure. I have no objection, if the FIR in the present case is quashed. Now, the matter has been settled amicably with all the accused persons. I have no grievance against accused persons.”

Learned counsel for respondent No.2-complainant does not dispute the factum of compromise entered into between the parties. Power of attorney filed on behalf of respondent No.2 in Court, is taken on record.

Similarly, learned State counsel has also 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 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.45 dated 14.02.2015 under Sections 406, 498-A and 506 IPC registered at Police Station Sadar Narwana, District Jind (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 20.07.2019 (Annexure P-2).

November 26, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No