

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

CRM-M-36233 of 2019.

Decided on:- November 15, 2019.

Punit Garg and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Lokesh Sharma, Advocate
for the petitioners.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Sumit Sharma, 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.339 dated 14.09.2016 under Sections 323, 406, 498-A and 506 read with Section 34 IPC registered at Police Station Shivaji Colony, Rohtak, District Rohtak (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 30, 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, Rohtak and got their statements recorded on 07.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 09.09.2019 to the effect that the compromise so arrived at between the parties is absolutely out of free will and consent of both parties. The compromise is quite genuine and has been effected voluntarily by the parties.

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 07.09.2019, which reads as under:

“Stated that I have compromised the matter with the accused persons in Panchayat with the intervention of respectable persons of the society. The compromise has been effected with my own will and without any fear, pressure or coercion etc. of any kind. Said compromise will promote the peace and harmony between us. I have no objection if the FIR of present case is quashed by Hon’ble Punjab and Haryana High Court against the accused persons. Cancellation of FIR against the accused persons would be altogether for the benefit and welfare of us.”

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, the petitioner No.1 and respondent No.2 have filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by way of mutual consent, wherein their statements on first motion have already been recorded.

Learned counsel for respondent No.2-complainant has not disputed the aforesaid fact.

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.339 dated 14.09.2016 under Sections 323, 406, 498-A and 506 read with Section 34 IPC registered at Police Station Shivaji Colony, Rohtak, District Rohtak (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), however, subject to payment of total costs of Rs.10,000/- to the Cancer Department of 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.

November 15, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No