

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

CRM-M-32832 of 2019.

Decided on:- November 26, 2019.

Jaswinder Singh and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. D.K. Sharma, Advocate
for the petitioners.

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

Mr. Parth Goyal, 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.67 dated 30.05.2019 under Sections 323, 498-A and 506 read with Section 34 IPC registered at Police Station Women West Gurugram, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement/compromise deed dated 17.07.2019 (Annexure P-3).

This Court vide order dated August 07, 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, Gurugram and got their statements

recorded on 09.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 19.09.2019 to the effect that the parties have compromised the matter with their free will and full senses so that they may live in peace and harmony and to avoid any future conflict/enmity between them. The compromise between the parties appears to be genuine and valid.

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 09.09.2019, wherein she has stated that the compromise has been effected with her own will and without any fear or pressure. She has no objection if the FIR of present case is quashed.

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, the joint petition filed by petitioner No.1 and respondent No.2 under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by way of mutual consent has been allowed and a decree of divorce has been granted.

Learned counsel for respondent No.2-complainant has not disputed the aforesaid fact. Power of attorney filed on behalf of respondent No.2 in Court, is taken on record.

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.67 dated 30.05.2019 under Sections 323, 498-A and 506 read with Section 34 IPC registered at Police Station Women West Gurugram, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of settlement/compromise deed dated 17.07.2019 (Annexure P-3).

November 26, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No