

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

CRM-M-33641 of 2019.

Decided on:- December 03, 2019.

Kamini Sharma and another

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Vinod Kumar Kaushal, Advocate
for the petitioners.

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

Mr. Swapanh Shaorey, 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.213 dated 21.12.2008 under Sections 323, 406, 498-A and 506 read with Section 34 IPC registered at Police Station DLF-I, Gurugram, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement dated 17.09.2018 (Annexure P-2).

This Court vide order dated 21.08.2019 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 as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Gurugram and got their statements recorded in support of the compromise on 24.09.2019 and 27.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 19.10.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Shalu Malik @ Shalu Sharma. She has already made a statement in support of compromise before learned Magistrate on 24.09.2019, which reads as under:

“Stated that I have arrived at compromise with the accused persons with my free consent and without any pressure of any kind. Compromise is in the interest of both the parties. I have no objection if FIR No.213 dated 21.12.2008 registered at police-station DLF-I, Gurugram under-section 323, 406, 498-A, 506, 34 of IPC is quashed by Hon’ble High Court.”

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

The aforesaid fact has not been disputed by learned counsel for respondent No.2-complainant.

Learned State counsel also does not dispute the factum of compromise 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.213 dated 21.12.2008 under Sections 323, 406, 498-A and 506 read with Section 34 IPC registered at Police Station DLF-I, Gurugram, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of settlement dated 17.09.2018 (Annexure P-2), however, subject to payment of total costs of Rs.10,000/- to be paid by the petitioners to the Poor Patients' Welfare Fund of the

Postgraduate Institute of Medical Education and Research (PGIMER),
Chandigarh within a period of one month from today.

December 03, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No