

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

CRM-M-35104 of 2019.

Decided on:- December 13, 2019.

Dhanraj Gaire and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Rakesh Gupta, 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.57 dated 23.07.2016 under Sections 323, 406, 498-A and 506 IPC registered at Police Station Baldev Nagar, Ambala City, District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.05.2019 (Annexure P-2).

This Court vide order dated 27.08.2019 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, petitioners No.2 and 3, namely, Nok Bahadur Gaire and Seema Gaire as well as respondent No.2-complainant

Lalita Gaire @ Sonia have appeared before learned Judicial Magistrate 1st Class, Ambala and got their statements recorded in support of the compromise on 01.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 09.10.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

Learned Magistrate has further reported that accused Dhanraj Gaire (petitioner No.1 herein) was declared as a proclaimed person by the Court of Ms. Gyatri, the then learned JMIC, Ambala on 31.07.2017, who has not been arrested so far.

Learned counsel for the petitioners states that petitioner No.1 has filed this petition through his special power of attorney i.e. petitioner No.2, but considering the fact that the petitioner No.1 has been declared as a proclaimed offender, he be permitted to withdraw the present petition qua petitioner No.1 Dhanraj Gaire at this stage.

Accordingly, the present petition is dismissed as withdrawn qua petitioner No.1 Dhanraj Gaire at this stage.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Lalita Gaire @ Sonia. Though no one has put in appearance on her behalf, but it would not cause any prejudice to her as she along with her father Man Bahadur has already made a joint statement in support of compromise before learned Magistrate on 01.10.2019, which reads as under:

“We (complainant Lalita Gaire and Man Bahadur) state that the dispute arising out of aforesaid FIR No.57 dated

23.7.2016, under Sections 323, 406, 498-A and 506 read with Section 34 of IPC, Police Women Ambala City, has been compromised with the accused. The matter has been compromised with the intervention of the respectables of the society and members of the family with a view to secure peaceful life for both the parties and in order to avoid any bad blood between the parties in future. The compromise has been arrived at with the consent of both the parties and without any undue influence and pressure from any side. We shall remain bound by terms of the compromise. We have no objection, if on the basis of the compromise the proceedings of the aforesaid criminal case may be quashed against the accused persons.”

Learned State counsel 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 No.2 and 3, namely, Nok Bahadur Gaire and Seema Gaire 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 qua the petitioners No.2 and 3, namely, Nok Bahadur Gaire and Seema Gaire only and the FIR No.57 dated 23.07.2016 under Sections 323, 406, 498-A and 506 IPC registered at Police Station Baldev Nagar, Ambala City, District Ambala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua them only on the basis of compromise dated 21.05.2019 (Annexure P-2), however, subject to payment of total costs of Rs.10,000/- to be paid by the petitioners No.2 and 3 to Chandi Kusht Ashram, Sector-47, Chandigarh, which shall be paid by the petitioners No.2 and 3 within a period of one month from today.

December 13, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No