

279.

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

**CRM-M-61778-2018**

Date of decision:21.02.2019.

ANISH BAKSHI AND ANR.

... Petitioners

versus

STATE OF HARYANA AND ANR.

.... Respondents

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

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Present: Mr. Vaibhav Parashar, Advocate,  
for the petitioners.

Mr. Manish Bansal, DAG, Haryana,  
for respondent No.1.

Mr. Sajid, Advocate,  
for respondent No.2.

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**HARI PAL VERMA, J.(Oral)**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.645 dated 24.11.2015 registered under Sections 34/498-A of IPC at Police Station Saran, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.11.2018 (Annexure P-2) entered between the parties in a petition filed under Section 13-B of Hindu Marriage Act.

This Court vide order dated 20.12.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Faridabad and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.01.2019 to the effect that the compromise effected between the parties appears to be without any threat or pressure from either side and is made out of free volition of the parties.

Respondent No.2-complainant, namely, Reema Sharma has made her statement with regard to compromise before learned Magistrate on 29.01.2019. The same is reproduced as under:-

*“Stated that the present case FIR No.645 dated 24.11.2015 under Section 498-A, 34 IPC, P.S. Saran, Faridabad was got registered on my complaint. Now, the matter has been compromised between the parties amicably and voluntarily without any force, pressure or any sort of undue influence. No grievance remains against the accused persons qua the complaint. I do not want to pursue the present case/FIR against the accused persons. I have no objection of the instant FIR be quashed.”*

Learned State counsel as well as learned counsel for respondent No. 2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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 also in the light of **Gold Quest International Private Limited's case** (*supra*), this petition is allowed and F.I.R. No.645 dated 24.11.2015 registered under Sections 34/498-A of IPC at Police Station Saran, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 12.11.2018 (Annexure P-2) entered between the parties in a petition filed under Section 13-B of Hindu Marriage Act, however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

**(HARI PAL VERMA)**  
**JUDGE**

21.02.2019  
sanjeev

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|----------------------------|--------|
| Whether speaking/reasoned? | Yes/No |
| Whether reportable?        | Yes/No |