

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

273

CRM-M-62094-2018

Date of Decision: 30.05.2019

Kamaldeep Kakkar and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Jatinderpal Singh, Advocate for
Mr. G.S. Sidhu, Advocate,
for the petitioners.

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

None 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.0001 dated 09.01.2017 under Sections 313, 323, 406, 498-A, 506, 34 IPC, registered at Women Police Station Hissar, District Hissar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.11.2018 (Annexure P-2).

This Court vide order dated 01.02.2019 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, Hisar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.03.2019 to the effect that the parties have compromised the matter. The compromise as effected between the parties is genuine and not the result of any pressure or coercion in any manner.

Though, today no one is present on behalf of respondent No.2-complainant, namely, Dipika, but no prejudice would be caused to her as she has made a statement before the learned Magistrate on 21.02.2019 to the effect that she has compromised the matter voluntarily and has no objection if the FIR in question registered against the accused is quashed.

Learned State counsel has 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 when the disputes are substantially matrimonial in nature, or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes 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 of India.

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***, as approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** also, in the light of ***Gold Quest International Private Limited's case*** (supra), this petition is allowed and FIR No.0001 dated

09.01.2017 under Sections 313, 323, 406, 498-A, 506, 34 IPC, registered at Women Police Station Hissar, District Hissar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.11.2018 (Annexure P-2) are hereby quashed qua the petitioners, subject to payment of costs of ₹5,000/- to be paid by the petitioners, within a period of one month from today with the Haryana State Legal Services Authority. They shall produce a receipt with the Registry.

May 30, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No