

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

270

CRM-M-445-2019

Date of Decision:28.05.2019

Siddharth Kundu and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

**Present: Mr. Gobind Dhanda, Advocate,
for the petitioners.**

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

**Mr. B.S. Walia, 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.30 dated 12.01.2017 under Sections 498-A, 406, 323, 506, 34 IPC, registered at Police Station Civil Lines, Hisar, District Hisar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of settlement/agreement dated 04.12.2018 (Annexure P-2).

Reply by way of affidavit of Sh. Amarjeet Kataria, HPS, Deputy Superintendent of Police, Hisar, filed on behalf of the respondent No.1-State of Haryana today in the Court, is taken on record.

This Court vide order dated 10.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements

genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Hisar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.02.2019 to the effect that the compromise between the parties is genuine, valid, voluntarily and out of their free will.

Respondent No.2-complainant, namely, Gaurika Suhag, has made a statement with regard to compromise before learned Magistrate on 01.02.2019 to the effect that she has compromised the matter and have no objection in case the present FIR registered against the accused is quashed.

Learned counsel for the petitioners has submitted that in terms of the compromise so arrived at between the parties, the petitioners have handed over two demand drafts bearing Nos.664679 & 664680 dated 27.05.2019 for a sum of Rs.3 lakhs & Rs.10 lakhs, respectively and one cheque bearing No.605542 dated 28.05.2019 for a sum of Rs.1, 28,000/- to respondent No.2 towards the final settlement. He further states that since there was an order of deduction of Rs.12,000/- per month of the Air Force Authorities from the salary of petitioner No.1, direction be given to the Air Force Authorities not to make any further deduction from the salary of petitioner No.1.

Learned counsel for the complainant-respondent No.2 does not dispute the very factum of compromise. He further states that as the matter has been resolved between the parties and since there was deduction from the salary of petitioner No.1, he has no objection if a direction be given to the Air Force Authorities not to make any further deduction.

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.30 dated 12.01.2017 under Sections 498-A, 406, 323, 506, 34 IPC, registered at Police Station Civil Lines, Hisar, District Hisar (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of settlement/agreement dated 04.12.2018 (Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

The Air Force Authority is directed not to make further

deduction from the salary of petitioner No.1. Petitioner No.1 shall submit a representation to the concerned authority along with a copy of this order for necessary order.

May 28, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No