

275.

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

CRM-M-20888-2018

Date of decision: 21.08.2019

KAMAL BAKSHI

... Petitioner

versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Namit Khurana, Advocate,
for the petitioner.

Mr. Vikramjit Singh, Addl. A.G., Haryana,
for respondent No.1.

Mr. Rajesh Nain, Advocate, for
Mr. Sunny Dhull, 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 F.I.R. No.60 dated 11.02.2017 registered under Sections 498-A, 406 of IPC at Police Station Yamuna Nagar City, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement dated 22.03.2018 (Annexure P-2).

This Court vide order dated 29.10.2018 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, however, statements of the parties could not be recorded. Again vide order dated 18.01.2019, the parties were afforded another opportunity to get their statements recorded in terms of order dated

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Yamuna Nagar at Jagadhri and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.02.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, with their free will and without any coercion.

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

“Stated that previously we had registered an FIR bearing no.60 dated 11.2.2017 under Section 498-A, 406 IPC, P.S. City Yamuna Nagar against Kamal Bakshi and now all disputes have been resolved. Kamal Bakshi and Deepali are residing together at House No.62 Rampura in rented house. The compromise with Kamal Bakshi has been entered into, out of our free will and without any coercion. Kamal Bakshi filed quashing before the Hon'ble Punjab and Haryana High Court bearing CRM No.20888 of 2018 with the consent of both the parties and now we have no objection if the Hon'ble Punjab and Haryana High Court quashes the FIR.”

Counsel for the petitioner states that it is at a later stage, the petitioner has come to know that in the aforesaid FIR, the offences under Sections 323 and 506 of IPC have been added, and he could not incorporate these sections, but the fact remains that the matter has been compromised between the parties and the petitioner and respondent No.2 are staying together as husband and wife.

This fact has not been disputed by the counsel for respondent

Learned State counsel has also 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 FIR.

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.60 dated 11.02.2017 registered under Sections 498-A, 406 of IPC (Sections 323 and 506 IPC added lateron) at Police Station Yamuna Nagar City, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement dated 22.03.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

21.08.2019
sanjeev

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