

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CRM-M-2383-2020

Date of Decision:17.12.2020

Jatin Dhingra

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Shubham Kaushik, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Jagdeep Rana, Advocate,
for the complainant-respondent No.2.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Initially, the present petition was filed under Section 482 Cr.P.C for quashing of FIR No.005 dated 25.01.2018 under Sections 406, 498-A IPC, registered at Police Station, Karnal and all the consequential proceedings arising therefrom, on merits. However, during pendency of the present petition, matter was compromised between the parties, accordingly, the petitioner has filed an application i.e. CRM-22700-2020 under Section 482 Cr.P.C. for placing on record copy of the judgment(Annexure A-1) and decree(Annexure P-2) dated 31.07.2020 passed by learned Additional Principal Judge, Family Court, Karnal, whereby marriage between the petitioner-husband and respondent No.2-Isha Chawla, was dissolved by way of decree of divorce with mutual consent under Section 13-B of the Hindu

Marriage Act, 1955.

In view of the above, the present petition which was otherwise filed for quashing of FIR on merits, is hereby converted for quashing of FIR on the basis of compromise.

Noticing the fact that the matter has been compromised between the parties, this Court vide order dated 12.10.2020 had directed the parties to appear before the trial Court/Illaq Magistrate 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, the parties have appeared before learned Judicial Magistrate 1st Class, Karnal and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 27.10.2020 to the effect that the compromise is genuine one and the parties have made statements voluntarily.

Respondent No.2-complainant, namely, Isha Chawla, has made a statement with regard to compromise before learned Magistrate on 27.10.2020. The same is reproduced as under:-

“I got registered FIR no.5 dated 25.01.2018 under Sections 406/498-A at Women Police Station against accused Jatin but thereafter compromise has been effected between us and accordingly we took divorce by mutual consent by filing petition 13-B Hindu Marriage Act and by the court of Ms. Anshul Shukla, learned Family Court, Karnal vide judgment and decree dated 31.07.2020 and copy of the same is Mark-A & Mark-B respectively on the file, now, I do not have any objection to quash/cancel the aforesaid FIR. This compromise is from my free will and consent.”

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 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.005 dated 25.01.2018 under Sections 406, 498-A IPC, registered at Police Station, Karnal and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on compromise, however, that would be subject to payment of costs of ₹20,000/- to be deposited by the petitioner, within a period of one month from today with the Bar Association of this Court.

December 17, 2020
seema

(HARI PAL VERMA)
JUDGE

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