

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-39257 of 2017

Date of Decision: 05.03.2020

Umesh Kant & others

...Petitioner (s)

Versus

State of Haryana & another

...Respondent(s)

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

Present:- Mr. S.R. Hooda, Advocate
for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.230 dated 23.08.2015 under Sections 406/498A IPC registered at P.S. Pinjor, District Panchkula and consequential proceedings arising therefrom on the basis of compromise.

This Court vide order 14.11.2019 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Judicial Magistrate Ist Class, Kalka and got their statements recorded. Learned Magistrate has forwarded her report dated 16.01.2020 to the effect that the compromise arrived at between the two sides is genuine and voluntary. The statement of the complainant-Kanchan recorded on 11.12.2019 reads as under:-

“Stated that our marriage was solemnized on 26.9.14 as per hindu rites and ceremonies at Pinjore Teh.Kalka, Distt. PKL. Subsequently, we both of them resided together husband and wife, but after some time deep differences and disputes arisen in our matrimonial life and due to the same, we started residing separately. All the efforts made by our family friends and common friends/relatives resulted in no use. Subsequently, I lodged FIR No.230 dt.23/8/15 U/s 498A, 406, 506 against my husband and his other family members. Thereafter, on the initiation of the relations of both sides, we agreed for divorce by way of mutual consent u/s 13-B of HMA Act. On 16/2/18, the judgment and decree passed by the Honourable Court of Sh. Rajan Walia, Ld. ADJ PKL. During the proceedings before the aforesaid, we both suffered a agreement / statement to the effect that we shall withdraw all the criminal and civil cases filed against each other. A certified copy of the judgment & decree dt. 16/2/18 and joint statement are respectively attached herewith as Ex.P1 and Ex.P2. We mutually and amicably have settled all our claims and there is no dispute and differences between us. Earlier the copy of compromise between both the parties was also placed on the file before the Honourable Court of Sh. Rajan Walia, ADJ PKL. Now, I have no objection if the FIR lodged by me is quashed against the accused persons.”.

Learned State counsel also does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings 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 FIR No.230 dated 23.08.2015 under Sections 406/498A IPC registered at P.S. Pinjor, District Panchkula (Annexure P-1) and the subsequent proceedings arising therefrom are quashed *qua* the petitioners, on the basis of compromise/joint statement (Annexure P-2).

March 05, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No