

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-28808 of 2020

Date of Decision: 24.11.2020

Yashik Bansal & others

...Petitioner (s)

Versus

State of Haryana & another

...Respondent(s)

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

Present:- Mr. Jasneet Mehra, Advocate
for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Gagandeep Goel, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

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

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.60 dated 31.03.2018 under Sections 120-B/406/420/498A/506/354 IPC (Section 354 IPC deleted while presenting challan) registered at Police Station Sector 14, Panchkula, District Panchkula (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise/joint statement of the parties in petition under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-3).

This Court vide order dated 21.09.2020 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 between the parties on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Chief Judicial Magistrate, Panchkula and got their statements recorded. Learned Magistrate has forwarded his report dated 08.10.2020 to the effect that the compromise arrived at between the parties is genuine and voluntary and the same is not the result of any pressure, coercion or undue influence.

Learned counsel for the complainant admits the very factum of compromise so entered between the parties and submits that the complainant has no objection to the FIR being quashed.

Learned State counsel also does not dispute the compromise entered between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties and no useful purpose would be served to continue with the proceedings in the instant FIR.

Hon'ble the Apex Court in **Gold Quest International Private Ltd. vs. 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.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1352 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2013)13 SCC 303 and **Gold Quest International Private Ltd.** (*supra*), this petition is allowed and FIR No.60 dated 31.03.2018 under Sections 120-B/406/420/498A/506/354 IPC (Section 354 IPC deleted while presenting challan) registered at Police Station Sector 14, Panchkula, District Panchkula (Annexure P-1) and the subsequent proceedings arising therefrom are quashed *qua* the petitioners, on the basis of compromise/joint statement of the parties in petition under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-3). However, this will be subject to payment of costs of Rs.20,000/-, which shall be paid by the petitioners to the Punjab and Haryana High Court Bar Association, Chandigarh within one month from today.

November 24, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No