

234.

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

CRM-M-28278-2020 (O&M)

Date of decision: 17.12.2020

AMIT KUMAR GABA @ AMIT KUMAR @ AMIT GABA AND ORS
... Petitioners

versus

STATE OF HARYANA AND ANOTHER
.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jarnail S. Saneta, Advocate,
for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana,
for respondent No.1.

Mr. Lajpat Sharma, Advocate,
for 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.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.146 dated 14.08.2017 registered under Sections 323, 377, 406, 498-A, 506 of IPC at Police Station Quilla Panipat, District Panipat (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/settlement arrived at before the Mediation and Conciliation Centre of this Court, dated 28.01.2020 (Annexure P-2).

This Court vide order dated 17.09.2020 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.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate First Class, Panipat and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.11.2020 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion and undue influence.

Respondent No.2-complainant, namely, Yanika has made her statement with regard to compromise before learned Magistrate on 14.10.2020. The same is reproduced as under:-

“It is stated that I have entered into a compromise with the accused persons upon my free will, volition & without any pressure and the matter has been settled amicably between us. FIR no.146 dated 14.08.2017 was registered against four persons at my instance, namely, Amit Gaba, Shakuntla Devi, Kapil Gaba & Geeta. As per the terms of our mutual compromise arrived at in mediation center bearing case no.349/2019 dated 28.01.2020, I have received a sum of Rs.2,50,000/- vide cheque no.000024 dated 14.10.2020 drawn on HDFC Bank, Nilokheri today from accused Amit Gaba and I have handed over my son namely Vihan to the said accused. I have no grievance against accused persons anymore and I have no objection if FIR in the instant case is quashed.”

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 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.146 dated 14.08.2017 registered under Sections 323, 377, 406, 498-A, 506 of IPC at Police Station Quilla Panipat, District Panipat (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement dated 28.01.2020 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

17.12.2020
sanjeev

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