

277.

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

CRM-M-28945-2019

Date of decision: 05.02.2020

HARSHIT BAHL AND ORS

... Petitioners

versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Raja Sharma, Advocate,
for the petitioners.

Ms. Priyanka Sadar, AAG, Haryana,
for respondent No.1.

Mr. Vineet Sehgal, 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.0020 dated 05.04.2017 registered under Sections 120-B, 406, 498-A, 506 of IPC at Women Police Station, Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement/compromise deed dated 04.06.2019 (Annexure P-2).

This Court vide order dated 10.07.2019 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 Ist Class, Panchkula and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.08.2019 to the effect that the compromise is genuine and has been effected between the parties with their free will.

Respondent No.2-complainant Himani Bahl @ Himani Oberoi has made her statement through her SPA Krishan Kumar Oberoi (her father) to the effect that the matter has been compromised between the parties and has no objection in case the present FIR is quashed.

Learned counsel for respondent No.2 states that respondent No.2 has gone to Australia to pursue her further studies. He further states that in proceedings under Section 13-B of Hindu Marriage Act, statements of the parties have been recorded and divorce has been granted. He has no objection in case the present FIR is quashed.

Learned State counsel also does not dispute 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.0020 dated 05.04.2017 registered under Sections 120-B, 406, 498-A, 506 of IPC at Women Police Station, Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of settlement/compromise deed dated 04.06.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

The parties shall adhere to the terms of settlement/compromise deed 04.06.2019 (Annexure P-2) so executed between the parties.

(HARI PAL VERMA)
JUDGE

05.02.2020
sanjeev

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