

276.

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

CRM-M-31606-2019

Date of decision: 26.02.2020

KAMAL KRISHAN SINGH AND ANR.

... Petitioners

versus

STATE OF HARYANA AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Harshita, Advocate, for
Mr. Vineet Choudhary, Advocate,
for the petitioners.

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

Mr. Rajesh Arora, 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.40 dated 09.04.2018 registered under Sections 323, 34, 406, 498-A of IPC at Women Police Station Gurugram, District Gurugram (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise/settlement dated 24.11.2018 (Annexure P-3).

This Court vide order dated 03.10.2019 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, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.12.2019 to the effect that the compromise is genuine and has been effected between the parties without any undue influence, pressure or coercion.

Respondent No.2-complainant, namely, Suman Yadav has made her statement with regard to compromise before learned Magistrate on 19.12.2019. The same is reproduced as under:-

“Stated that a compromise has been arrived at between me and accused persons and in pursuit thereof, I do not intend to proceed with the present complaint/FIR and want to get the same quashed. Now, the matter has been settled amicably. I have no grievance against accused persons. I request you that FIR No.40 dated 09.04.2018 under Section 323, 406, 498A, 34 IPC, PS Women, Gurugram be quashed in the interest of justice. I have received DD bearing No.511329 dated 18.12.2019 as remaining balance of Rs.2,00,000/- drawn on Canara Bank, Gurugram, as the last and final payment and no amount is left pending qua any proceedings. I affirm that this compromise has been effected voluntarily, without any coercion or undue influence, with my free will and volition and without any pressure.”

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 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.40 dated 09.04.2018 registered under Sections 323, 34, 406, 498-A of IPC at Women Police Station Gurugram, District Gurugram (Annexure P-2) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/settlement dated 24.11.2018 (Annexure P-3), however, that would be subject to payment of costs of Rs.5,000/- to be deposited by the petitioners with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

26.02.2020
sanjeev

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