

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

CRM-M-36085 of 2019.

Decided on:- January 14, 2020.

Nikhil and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Vishal Malik, Advocate
for the petitioners.

Ms. Priyanka Sadar, A.A.G., Haryana.

None for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.27 dated 26.03.2019 under Sections 406, 498-A and 506 read with Section 34 IPC registered at Women Police Station, Rohtak, District Rohtak (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/Memorandum of Understanding dated 08.07.2019 (Annexure P-2).

This Court vide order dated September 02, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties had appeared before learned Judicial Magistrate 1st Class, Rohtak and got their statements recorded on 23.11.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 23.11.2019 to the effect that the compromise effected between the parties is without any threat or pressure from either of the sides and is a valid compromise.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Kritika. Though no one has put in appearance on behalf of respondent No.2, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of compromise on 23.11.2019, which reads as under:

“Stated that I got lodged FIR No.27 dated 26.03.2019 under Sections 406, 498-A, 506 and 34 IPC against accused persons namely Nikhil, Rajinder, Kanchan at Police Station Women, Rohtak and now the settlement has been arrived at between me and aforesaid accused persons and I have no objection if the FIR is quashed. I am making the above statement voluntarily and without any pressure or undue influence.”

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, the joint petition filed by petitioner No.1 and respondent No.2 under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by way of mutual consent has been allowed and a decree of divorce has been granted by learned Principal Judge, Family Court, Rohtak vide judgment and decree dated 10.01.2020. In support of his contention, he has produced a copy of said judgment and decree, which

is taken on record. He further states that even the police has filed cancellation report in the case.

Learned State counsel has not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

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 well as the law laid down in ***Gold Quest International Private Limited's case (supra)***, the present petition is allowed and the FIR No.27 dated 26.03.2019 under Sections 406, 498-A and 506 read with Section 34 IPC registered at Women Police Station, Rohtak, District Rohtak (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/Memorandum of

Understanding dated 08.07.2019 (Annexure P-2), however, subject to payment of Rs.15,000/- as costs to be deposited by the petitioners with Pandit Bhagwat Dayal Sharma Post Graduate Institute of Medical Sciences (PGIMS), Rohtak within a period of one month from today. The said amount shall be utilised by the Institute for the welfare of poor patients within the knowledge of the Medical Superintendent.

January 14, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No