

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

CRM-M-36538 of 2019.

Decided on:- January 14, 2020.

Sudhir Bansal and another

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Sunil Rana, Advocate
for the petitioners.

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

Mr. Amit Jaiswal, Advocate
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.646 dated 31.12.2018 under Sections 323, 406 and 498-A IPC registered at Police Station Ambala Cantt., District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 11.02.2019 (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 Additional Chief Judicial Magistrate, Ambala and got their statements

recorded on 15.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 09.01.2020 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence in any manner.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Renuka. She has already made a statement before learned Magistrate in support of compromise on 15.10.2019 to the effect that the matter has been compromised between the parties and a petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed before the family Court, Ambala. She has no objection in case the FIR in question is quashed. There are only two accused (petitioners herein) in the FIR.

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, a joint petition under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by way of mutual consent has already been filed by the petitioner No.1 and respondent No.2 before the family Court, Ambala.

Learned State counsel and learned counsel for respondent No.2-complainant have 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.646 dated 31.12.2018 under Sections 323, 406 and 498-A IPC registered at Police Station Ambala Cantt., District Ambala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed 11.02.2019 (Annexure P-2), however, subject to payment of total costs of Rs.10,000/- to be paid by the petitioners to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

January 14, 2020

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No