

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

CRM-M-37452 of 2019.

Decided on:- January 28, 2020.

Pawan Kumar.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Nipun Vashist, Advocate
for the petitioner.

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

Mr. Suresh Kalia, Advocate for
Mr. Naveen Kumar, 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.1225 dated 21.11.2016 under Sections 323, 406 and 498-A read with Section 34 IPC registered at Police Station Gurgaon City, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.03.2019 and 29.03.2019 (Annexure P-2) (colly).

This Court vide order dated September 06, 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, Gurugram and got their statements recorded on 31.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 14.11.2019 to the effect that the compromise is genuine and valid.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant. She has already made a statement before learned Magistrate in support of compromise on 31.10.2019, the relevant part of which reads as under:

“In lieu of amicable settlement, I am not willing to pursue the FIR No.1225/16 under sections 498A, 323, 406 of IPC registered at Police Station Gurugram City. I have no objection, if the aforesaid FIR no.1225/2016 and the proceedings pending before Criminal Court Gurugram thereof are quashed. I have wilfully given my statement without any force, pressure or coercion whatsoever. Further stated that there is no other complainant or affected aggrieved party other than me in the arrayed in the petition.”

Learned counsel for the petitioner states that apart from the fact that the matter has been compromised between the parties, the marriage between the petitioner and respondent No.2 has already been dissolved by a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 by way of mutual consent vide judgment and decree dated 22.07.2019 passed by the family Court, North-West, Rohini, Delhi.

This fact has not been disputed by learned counsel for respondent No.2-complainant.

Learned State counsel has also 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 petitioner 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.1225 dated 21.11.2016 under Sections 323, 406 and 498-A read with Section 34 IPC registered at Police Station Gurgaon City, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 16.03.2019 and 29.03.2019 (Annexure P-2) (colly), however, subject to payment of costs of Rs.10,000/- to be paid by the petitioner 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 28, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No