

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

CRM-M-37817 of 2019.

Decided on:- January 28, 2020.

Sunil Arora and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. B.S. Toor, Advocate
for the petitioners.

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

Mr. Vikas Sharma, 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 FIR No.533 dated 20.07.2016 under Sections 323, 406 and 498-A read with Section 34 IPC registered at Police Station Sector-7, Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 05.05.2019 (Annexure P-2).

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, Faridabad 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 06.11.2019 to the effect that the compromise effected between the parties is without any threat or pressure from either side and is made out of free volition of the parties.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Tanu. She along with the petitioners has made a joint statement before learned Magistrate in support of compromise on 31.10.2019. The said statement does reflect that the compromise has been effected between the parties without any pressure.

Learned State counsel and learned counsel for respondent No.2 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.533 dated 20.07.2016 under Sections 323, 406 and 498-A read with Section 34 IPC registered at Police Station Sector-7, Faridabad (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 05.05.2019 (Annexure P-2), however, subject to payment of Rs.10,000/- as costs 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 28, 2020

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No