

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

CRM-M-38301 of 2019.

Decided on:- January 28, 2020.

Sita Devi and another

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Sudhir Kashyap, 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.896 dated 08.12.2015 under Sections 498-A, 323, 506 and 406 read with Section 34 IPC registered at Police Station Sirsa City, District Sirsa (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.08.2019 (Annexure P-2).

This Court vide order dated September 09, 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 Chief Judicial Magistrate, Sirsa and got their statements recorded on

30.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 02.11.2019 to the effect that the matter in question has been compromised between the parties without any fear, coercion, inducement or threat.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant. Though none has put in appearance on her behalf in Court, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of compromise on 30.10.2019, wherein she has specifically stated that she has compromised the matter with the accused without any fear or greed and she has no objection in case the FIR is quashed.

Learned State counsel states that the Challan has been presented in the case. However, she does not dispute 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.896 dated 08.12.2015 under Sections 498-A, 323, 506 and 406 read with Section 34 IPC registered at Police Station Sirsa City, District Sirsa (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.08.2019 (Annexure P-2), however, subject to payment of Rs.10,000/- as costs to be deposited by the petitioners with Government Medical College and Hospital (GMCH), Sector-32, Chandigarh 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 28, 2020

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No