

274.

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

CRM-M-38519-2019

Date of decision: 22.01.2020

LALIT YADAV

... Petitioner

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vivek K. Sharma, Advocate, for
Mr. Ashwani Gaur, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.
for respondent No.1.

Mr. Paramjeet Phor, Advocate, for
Mr. Punit Malik, 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 F.I.R. No.834 dated 03.10.2014 registered under Sections 498-A, 323, 354, 406, 506, 34 of IPC at Police Station Sector 5, Gurgaon (Gurugram) and all subsequent proceedings arising therefrom on the basis of compromise/a joint petition filed under Section 13-B of Hindu Marriage Act (Annexure P-1).

This Court vide order dated 11.09.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.01.2020 to the effect that the compromise has been effected between the parties voluntarily, without any pressure or coercion from any corner.

Respondent No.2-complainant, namely, Jyoti has made her statement with regard to compromise before learned Magistrate on 03.01.2020 to the effect that she has compromised the matter with the accused-petitioner voluntarily, without any pressure or coercion and she has no objection in case the FIR is quashed qua the petitioner.

Learned State counsel has informed this Court that during the course of investigation, the offence under Sections 354, 34 of IPC have been deleted and in this manner, the present FIR now confines only to Sections 498-A, 323, 406, 506 of IPC.

Learned counsel for the petitioner states that the matter has been compromised between the parties and even a decree of divorce under Section 13-B of Hindu Marriage Act has been granted.

Learned counsel for respondent No.2 has no objection in case the FIR is quashed.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

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 also in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and F.I.R. No.834 dated 03.10.2014 registered under Sections 498-A, 323, 354, 406, 506, 34 of IPC (Sections 354, 34 of IPC deleted during investigation) at Police Station Sector 5, Gurgaon (Gurugram) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/a joint petition filed under Section 13-B of Hindu Marriage Act (Annexure P-1), however, that would be subject to payment of Rs.20,000/- to be deposited in the High Court Lawyers' Welfare Fund, within one month from today.

(HARI PAL VERMA)
JUDGE

22.01.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No