

259.

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

CRM-M-38790-2019

Date of decision: 30.01.2020

VIJAY KUMAR MAHLA

... Petitioner

versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Chander Shekhar Singhal, Advocate, for
Mr. Ajay Singh Ghangas, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana,
for respondent No.1.

None 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.0157 dated 21.11.2018 registered under Sections 406, 498-A, 506 of IPC at Women Police Station, Gurgaon, District Gurgaon (now Gurugram) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.09.2019 (Annexure P-2).

This Court vide order dated 12.09.2019 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 05.12.2019 to the effect that the compromise has been effected between the parties voluntarily, without any influence or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jai Parkash but no prejudice would be caused to him as he has already made his statement with regard to compromise before the learned Magistrate on 26.11.2019 to the effect that he has compromised the matter with the petitioner-accused without any pressure or undue influence and has no objection in case the present FIR is quashed qua the petitioner.

Apart from above, a similar statement has been made by the victim Meenu i.e. respondent No.3, who is the wife of the petitioner, before the learned Magistrate on 14.11.2019 wherein she has stated that she has compromised the matter with her husband and has no objection in case the present FIR is quashed qua him.

Learned State counsel, on instructions from ASI Praveen, submits that challan in the case has been presented though charges have not been framed.

In view of above, since the matter has been compromised between the parties, 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.0157 dated 21.11.2018 registered under Sections 406, 498-A, 506 of IPC at Women Police Station, Gurgaon, District Gurgaon (now Gurugram) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 04.09.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the High Court Bar Association in the Lawyers' Welfare Fund, within one month from today.

(HARI PAL VERMA)
JUDGE

30.01.2020
sanjeev

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