

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

270

CRM-M-38923-2019

Date of Decision:27.01.2020

Naveen Sharma @ Naveen Prabhakar
and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

**Present: Mr. Anmol Pratap Singh Mann, Advocate,
for the petitioners.**

Ms. Priyanka Sadar, AAG, Haryana.

**Ms. Kiran Verma, 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.19 dated 18.03.2019 under Sections 323, 406, 498-A read with Section 34 IPC, registered at Police Station Women, Sector-16A, Faridabad(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 29.08.2019(Annexure P-2) arrived at before Mediation and Conciliation Centre of this Court.

Power of attorney filed on behalf of respondent No.2 today in the Court, is taken on record.

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. However, statement of the parties could not be recorded as petitioner No.3 failed to appear before the learned Magistrate to get her statement recorded. Again vide order dated 22.11.2019, one more opportunity was granted to petitioner No.3 to get her statement recorded, in terms of the order dated 12.09.2019 passed by this Court and learned Magistrate was directed to forward the report to this Court.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Faridabad and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted reports dated 01.11.2019 & 11.12.2019 to the effect that the compromise effected between the parties appears to be without any threat or pressure from either side and is made out of free volition of the parties.

Respondent No.2-complainant, namely, Akanksha Prabhakar, has made a statement with regard to compromise before learned Magistrate on 31.10.2019. The same is reproduced as under:-

“Stated that the present case FIR No.19 dated 18.3.2019 under Section 323, 498-A, 406 read with section 34 IPC, P.S. Women, Sector-16A, Faridabad was got registered on my complaint. Now, due to the intervention of the respectable persons of the society the matter has been compromised between the parties amicably and voluntarily without any force, pressure or any sort of undue influence on 29.08.2019. No grievance remains against the accused persons qua the complaint. I do not want to pursue the present case/FIR against the accused persons. I have no objection of the instant FIR be quashed.

No criminal proceedings are pending against me in any other court.”

Learned State counsel as well as learned counsel for respondent

No.2 have not disputed the factum of compromise between the parties.

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

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 when the disputes are substantially matrimonial in nature, or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes 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 of India.

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***, as approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** also, in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and FIR No.19 dated 18.03.2019 under Sections 323, 406, 498-A read with Section 34 IPC, registered at Police Station Women, Sector-16A, Faridabad(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 29.08.2019(Annexure P-2) arrived at before Mediation and Conciliation Centre of this Court, subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of one month from today with the **Bar Association** of this Court.

January 27, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No