

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

CRM-M-39769 of 2019.

Decided on:- February 04, 2020.

Krishna Jha and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. S.P. Khera, Advocate for
Mr. Amit Choudhary, Advocate
for the petitioners.

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

Ms. Jaspreet Kaur, Advocate for
Mr. K. Arun Singh, Advocate
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.619 dated 30.10.2018 under Sections 323, 406, 498-A and 506 read with Section 34 IPC registered at Police Station Sector-31, Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.07.2019 (Annexure P-2).

This Court vide order dated September 18, 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 04.11.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 04.11.2019 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.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Neha Jha. She has already made a statement before learned Magistrate in support of compromise on 04.11.2019, which reads as under:

“Stated that the present case FIR NO.619 dated 30.10.2018 under Section 498A, 323, 406, 506 read with 34 IPC P.S. Sector-31, 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. No grievance remains against the accused qua the complaint. I do not want to pursue the present case/FIR against the accused Krishan Jha, Govind Jha and Durga Devi. I have no objection of the instant FIR be quashed.”

Learned State counsel and learned counsel for respondent No.2-complainant 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.619 dated 30.10.2018 under Sections 323, 406, 498-A and 506 read with Section 34 IPC registered at Police Station Sector-31, Faridabad (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 18.07.2019 (Annexure P-2), however, subject to payment of total costs of Rs.10,000/- 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.

February 04, 2020

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No