

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

266

CRM-M-40223-2019

Date of Decision:30.01.2020

Tarandeep Singh and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

**Present: Mr. Davinder Singh Khurana, Advocate,
for the petitioners.**

Ms. Priyanka Sadar, AAG, Haryana.

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 FIR No.0080 dated 15.02.2019 under Sections 406, 498-A, 34 IPC, registered at Police Station Faridabad Kotwali, District Faridabad (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 04.09.2019(Annexure P-2).

This Court vide order dated 19.09.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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 1st Class, Faridabad and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 13.11.2019 to the effect that the compromise effected between the parties is without any pressure, threat, coercion or undue influence from either of the sides and is a genuine compromise.

Though no one is present on behalf of respondent No.2-complainant-Jaspreet Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before the learned Magistrate on 13.11.2019. The same is reproduced as under:-

“Stated that I have settled my dispute regarding matrimonial issues with my husband Tarandeep Singh and father-in-law Amarpal and his family members. It was agreed that all the complaints and FIRs filed by me will be withdrawn. I have fully compromised the matter and happily residing with my husband Sh. Tarandeep Singh in my matrimonial house since March 2019. The compromise deed/mutual settlement is Ex.C-1. I have no objection if the above FIR is quashed as I have no grudge left whatsoever of any kind. The compromise is without any pressure, undue influence, fraud or coercion. I am giving my statement at my own free will and without any pressure.”

Learned counsel for the petitioners states that petitioner No.1 and respondent No.2 are staying together as husband and wife.

Learned State counsel has 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.0080 dated 15.02.2019 under Sections 406, 498-A, 34 IPC, registered at Police Station Faridabad Kotwali, District Faridabad(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 04.09.2019(Annexure P-2), subject to payment of costs of ₹10,000/- to be deposited by the petitioners within a period of one month from today with the **Pandit Bhagwat Dayal Sharma Post Graduate Institute of Medical Sciences, Rohtak** and the said amount would be spent for the treatment of poor patients within the knowledge of its Director.

January 30, 2020

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No