

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

286

CRM-M-41557-2019

Date of Decision:24.02.2020

Amit Hooda and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Parveen Kaushik, Advocate,
for the petitioners.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. N.K. Ganga, Advocate for
Mr. Gagandeep Rana, 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.58 dated 07.03.2015 under Sections 406, 498-A, 506, 34 IPC, registered at Police Station Sector-17/18, District Gurgaon (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise/affidavit dated 11.09.2019(Annexure P-2).

This Court vide order dated 26.09.2019 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 1st Class, Gurugram and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.01.2020 to the effect that the parties have compromised the matter with their free will and full senses and the same appears to be genuine and valid.

Respondent No.2-complainant, namely, Preeti, has made a statement with regard to compromise before learned Magistrate on 30.10.2019. The same is reproduced as under:-

“Stated that an amicable settlement has been effected upon the intervention of the respectable members of society and relatives and all the disputes have been amicably resolved and now there is no ill-will between us. A settlement deed had already been filed by Amit and his family members before the Hon'ble High Court in the petition under section 482 Cr.P.C. for quashing the FIR. Moreover, the petition under Section 125 Cr.P.C. filed by me against Amit Hooda has already been dismissed as withdrawn from the respective court of Ms. Suruchi Atreja, Ld. Additional Principal Judge, Family Court, Gurugram and DV Act case filed by me against Amit Hooda and my family members has also been withdrawn from the court of Ms. Suyasha Jawa, JMJC, Gurugram with mutual consent of both the parties. Whereas, accused Amit Hooda had also filed the application under section 127(2) CrPC against me and the same has also been dismissed as withdrawn from the Court of Sh. R.K. Jain, Ld. Additional Principal Judge, Family Court, Gurugram and also petition under section 10 of Hindu Marriage Act against me was filed by Amit Hooda and the same was also dismissed as withdrawn from the family court of Sh. R.K. Jain, Ld. Additional Principal Judge, Family Court, Gurugram with mutual consent of both parties. Also a petition under section 13 B of Hindu Marriage Act filed by me against Amit Hooda of which decree of mutual divorce has been passed on 18.10.2019 by court of Ms. Suruchi Atreja, Ld. Additional Principal Judge, Family

Court, Gurugram.

Also one more case State Vs. Amit FIR 335/2017 PS Civil Lines Rohtak under section 323, 354 and 506 IPC is pending for 12.12.2019 in the Court of Sh. Ashish Sharma, Learned Chief Judicial Magistrate Rohtak filed by me against Amit and Sumit Hooda, however compromise has been held in between the parties and statement of compromise is to be recorded in that case.

In lieu of amicable settlement, I am not willing to pursue the FIR no.58/15 dated 7.3.2015 under sections 498A, 506, 34 of IPC registered at Police Station Sec 17/18, Gurugram. I have no objection, if the aforesaid FIR no.58/2015 and the proceedings pending before Criminal Court Gurugram thereof are quashed. I have willfully given my statement without any force, pressure or coercion whatsoever. Further stated that there is no other complainant or affected aggrieved party other than me in the arrayed in the petition.”

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.58 dated 07.03.2015 under Sections 406, 498-A, 506, 34 IPC, registered at Police Station Sector-17/18, District Gurgaon(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise/affidavit dated 11.09.2019(Annexure P-2), subject to payment of costs of ₹15,000/- to be paid 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.

February 24, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No