

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

284

CRM-M-41375-2019

Date of Decision:24.02.2020

Nitin Ranga

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

**Present: Mr. Bikram Chaudhary, Advocate,
for the petitioner.**

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.0442 dated 10.07.2017 under Sections 323, 34, 406, 498-A, 506 IPC, registered at Police Station Mujesar, District Faridabad (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise/joint statement under Section 13B of the Hindu Marriage Act dated 14.05.2019 (Annexure P-3).

This Court vide order dated 26.09.2019 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 28.11.2019 to the effect that the compromise is genuine, voluntarily, without any coercion or undue influence.

Though no one is present on behalf of respondent No.2-complainant-Rakhi 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 19.11.2019 to the effect that she has compromised the matter with the accused and thus, I have no objection if the FIR registered against the accused is quashed.

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.0442 dated

10.07.2017 under Sections 323, 34, 406, 498-A, 506 IPC, registered at Police Station Mujesar, District Faridabad (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise/joint statement under Section 13B of the Hindu Marriage Act dated 14.05.2019 (Annexure P-3), subject to payment of costs of ₹5,000/- to be deposited by the petitioner within a period of one month from today with the **Govt. Medical College and Hospital, Sector-32, Chandigarh** and the said amount would be spent for the treatment of poor patients within the knowledge of Medical Superintendent.

February 24, 2020
seema

(HARI PAL VERMA)
JUDGE

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