

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

278

CRM-M-42784-2019

Date of Decision:27.02.2020

Manish and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

**Present: Mr. Ankur Tyagi, Advocate,
for the petitioners.**

Ms. Priyanka Sadar, AAG, Haryana.

**Mr. Sumit Tyagi, 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.0868 dated 02.11.2018 under Sections 323, 34, 354, 406, 376, 498-A, 511, 506 IPC, registered at Police Station Sonipat City, District Sonipat (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise.

This Court vide order dated 04.10.2019 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 Additional Sessions Judge, Sonapat and got their statements

recorded. On the basis of the statements so recorded, learned Additional Sessions Judge has submitted report dated 18.11.2019 to the effect that the parties have compromised the matter with their free will and without any fear, influence and pressure from any side.

Respondent No.2-complainant, namely, Bharti, has made a statement with regard to compromise before learned Additional Sessions Judge on 06.11.2019. The same is reproduced as under:-

“Stated that the present FIR No. 868 dated 02.11.2018, under Sections 498-A/406/323/506/376/511/354/34 IPC, Police Station city, Sonipat was lodged by me on my complaint dated 15.11.2018. I got registered the present FIR due to misunderstanding with my in-laws. Now, I have entered into a compromise with my husband and in-laws with due intervention of respectables and relatives, which is voluntarily and without any pressure. Our misunderstandings have got sorted out and I have no grudge or grievance against accused Manish, who is my husband, mother-in-law Santosh and brother in law Ajay. After that we both parties filed petition before the Hon'ble High Court for quashing the present FIR after submitting our written compromise and affidavits. Today, I have given my statement without any fear, influence or pressure any my statement is voluntary and with my free will. Now, I am residing with my husband in Narela at my matrimonial home.”

Learned counsel for the petitioners states that petitioner No.1 and respondent No.2 are living together as husband and wife. He states that there is no allegation of commission of rape against either of the accused. The allegation, if any, is of attempt to commit rape. There were misunderstandings between the parties which are now over. Parties have solemnized marriage in the year 2018 and out of this wedlock, they have

been blessed with a son.

At this stage, learned counsel for the complainant-respondent No2 admits the factum of compromise and the fact that the parties are staying together as husband and wife.

Learned State counsel has not disputed the factum of compromise between the parties.

Considering the fact that the matter has been compromised between the parties and petitioner No.1 and respondent No.2 are residing together as husband and wife and they have been blessed with a son, it will further create goodwill between the parties. Thus, this Court finds that the present FIR deserves to be quashed.

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.0868 dated

02.11.2018 under Sections 323, 34, 354, 406, 376, 498-A, 511, 506 IPC, registered at Police Station Sonipat City, District Sonipat (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise, subject to payment of costs of ₹5,000/- to be deposited by the petitioners within a period of one month from today with Bhagat Phool Singh, **Govt. Medical College Khanpur Kalan, Sonapat** and the said amount shall be utilized on the treatment of poor patients within the knowledge of its Medical Superintendent.

February 27, 2020
seema

(HARI PAL VERMA)
JUDGE

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