

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

CRM-M-43101 of 2019.

Decided on:- February 14, 2020.

Rajiv Patel and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Ms. Sheenu Sura, Advocate
for the petitioners.

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

Mr. Rakesh Dhiman, 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.355 dated 04.12.2017 under Sections 498-A, 406, 506 and 313 read with Section 34 IPC registered at Police Station Women Cell, Sector 51, Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement agreement by way of joint statement made by petitioner No.1 and respondent No.2 dated 20.05.2019 before learned Principal District Judge, Family Court, Gurugram in a petition under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-2).

This Court vide order dated 14.10.2019 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, Gurugram and got their statements recorded on 25.11.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 28.11.2019 to the effect that the compromise effected between the parties is genuine and without any undue influence, pressure or coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Neetu Patel. She has already made a statement before learned Magistrate in support of compromise on 25.11.2019, which reads as under:

“Stated that a compromise has been arrived at between me and accused persons and in pursuit thereof, I do not intend to proceed with the present complaint/FIR and want to get the same quashed. Now, the matter has been settled amicably. I have no grievance against accused persons. I request you that FIR No.0355 dated 04.12.2017 under Section 498A, 406, 506, 34 IPC, PS Women, Gurugram be quashed in the interest of justice. I affirm that this compromise has been effected voluntarily, without any coercion or undue influence, with my free will and volition and without any pressure.”

Learned counsel for respondent No.2-complainant has not disputed the factum of compromise between the parties.

Learned State counsel, on instructions from SI Joginder Singh, has also not disputed the factum of compromise between the parties.

However, she submits that in the aforesaid FIR, the offence under Section 313

IPC was deleted during the course of investigation and Challan has been presented in the case and charges are yet to be framed.

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.355 dated 04.12.2017 under Sections 498-A, 406, 506 and 313 read with Section 34 IPC (Section 313 IPC deleted later on) registered at Police Station Women Cell, Sector 51, Gurugram (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of settlement agreement by way of joint statement made by petitioner No.1 and respondent No.2 dated 20.05.2019 before learned Principal District Judge,

Family Court, Gurugram in a petition under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-2), however, subject to payment of total costs of Rs.15,000/- 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 14, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No