

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-43705-2019

Date of Decision:16.01.2020

Neeraj Chugh and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

**Present: Mr. H.S. Rakhra, Advocate,
for the petitioners.**

Mr. Tanuj Sharma, A.A.G., Haryana.

**Mr. Ishan Sharma, 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.0033 dated 07.03.2019 under Sections 498-A, 406 IPC, registered at Women Police Station Sector 5, Panchkula(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise/settlement dated 27.03.2019(Annexure P-2).

This Court vide order dated October 15, 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, Panchkula and got their statements

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

submitted report dated 05.12.2019 to the effect that the parties have made their statements as per their own free will and without any pressure and compromise is genuine and voluntarily.

Respondent No.2-complainant, namely, Pooja Sood, has made a statement with regard to compromise before learned Magistrate on 02.12.2019. The same is reproduced as under:-

“Stated that I have compromised the matter with Neeraj Chugh, Preeti Chugh and Mohini Chugh in the proceedings of case FIR No.33 dated 07.03.2019 under Sections 406, 498-A of IPC registered at Police Station Women, Panchkula. Compromise has been effected by me with my sweet will and without any pressure. Accordingly, I have no objection if the proceedings of abovesaid FIR are quashed.”

Learned counsel for the parties are *ad idem* that in terms of the compromise, parties have filed the petition under Section 13-B of the Hindu Marriage Act (for short “the H.M. Act”) for grant of decree of divorce by way of mutual consent.

Learned counsel for respondent No.2 states that in the proceedings under Section 13-B of the H.M. Act, statements at the first motion stage have been recorded and now the case is fixed for 14.07.2020 to record the second motion statements and the parties are bound to make statement in the proceedings under Section 13-B of the H.M. Act.

Learned State counsel has also 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***

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.0033 dated 07.03.2019 under Sections 498-A, 406 IPC, registered at Women Police Station Sector 5, Panchkula(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise/settlement dated 27.03.2019(Annexure P-2), subject to payment of costs of ₹5,000/- to be paid by the petitioners, within a period of one month from today with the **Bar Association** of this Court, with a further condition that the parties shall make statements under Section 13-B of the H.M. Act at second motion on 14.07.2020 or any other date as fixed by the Family Court.

January 16, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No