

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

284

CRM-M-44194-2019

Date of Decision:27.02.2020

Hemant and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

Present: Ms. Jony Bansal, Advocate,
for the petitioners.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Anil Sharma, Advocate for
Mr. S.K. Tripathi, Advocate,
for respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.170 dated 30.03.2015 under Sections 498-A, 406, 506, 34 IPC, registered at Police Station Sector 7, District Faridabad (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 26.09.2019(Annexure P-2).

Power of attorney filed on behalf of respondents No.2 and 3 today in the Court, is taken on record.

This Court vide order dated 17.10.2019 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements

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 between the parties is genuine, authentic, voluntary and without any coercion or undue influence.

Respondent No.2-Preeti (daughter of complainant) and respondent No.3-complainant, namely, Kanwal Singh, have made a joint statement with regard to compromise before learned Magistrate on 27.11.2019 to the effect that they have compromised the matter with the accused and have no objection if the FIR in question is quashed.

Learned counsel for the petitioners states that petitioner No.1-Hemant and respondent No.2 -Smt. Preeti are staying together as husband and wife and now the matter has been resolved between them. She submits that while presenting challan, the offence under Section 323 IPC has also added in the case and accordingly charges were framed for offences under Sections 498-A, 406, 506, 323, 34 IPC. She prays for addition of offence under Section 323 IPC in the head note of the petition.

Ordered accordingly.

This fact is not disputed by learned counsel for respondents No.2 and 3. Considering the fact that the matter has been compromised between the parties and they are staying together as husband and wife, this Court finds that the present FIR deserves to be 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.170 dated 30.03.2015 under Sections 498-A, 323, 406, 506, 34 IPC, registered at Police Station Sector 7, District Faridabad (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 26.09.2019(Annexure P-2).

February 27, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No