

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

CRM-M-45342 of 2019.

Decided on:- March 06, 2020.

Dinesh Sharma and another

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Ram Bilas Gupta, Advocate
for the petitioners.

Mr. Pawan Kumar Jhanda, A.A.G., Haryana.

Mr. Bikram Chaudhary, 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.142 dated 21.02.2017 under Sections 323 and 498-A read with Section 34 IPC registered at Police Station Ballabhgarh City, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement agreement dated 21.09.2019 (Annexure P-2) arrived at the Mediation and Conciliation Centre, Faridabad.

This Court vide order dated October 23, 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 petitioners and respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Faridabad and got their joint statement recorded on 02.12.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 09.12.2019 to the effect that the compromise is genuine, voluntary and without any coercion and undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Neha Sharma. She along with the petitioners has already made a joint statement before learned Magistrate in support of the compromise on 02.12.2019 to the effect that the matter has been compromised between the parties as per the settlement agreement dated 21.09.2019 (Annexure P-2) arrived at the Mediation and Conciliation Centre, Faridabad and she has no objection in case the FIR in question is quashed.

Learned counsel for respondent No.2-complainant does not dispute the factum of compromise, however, he states that as per the settlement agreement dated 21.09.2019, a sum of Rs.2,50,000/- is yet to be paid by the petitioners at the time of recording of second motion statements in the petition under Section 13-B of the Hindu Marriage Act, 1955 on 26.03.2020.

Learned State counsel also does not dispute the factum of compromise between the parties. However, he has filed reply by Jaiveer Singh, HPS, Assistant Commissioner of Police, Ballabhgarh, District Faridabad on behalf of respondent No.1-State, which is taken on record.

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.

However, in order to subside the apprehension made by learned counsel for respondent No.2-complainant that the amount of Rs.2,50,000/- is yet to be received from the petitioners at the time of second motion statements of the parties to be recorded on 26.03.2020, it is made clear that the FIR No.142 dated 21.02.2017 under Sections 323 and 498-A read with Section 34 IPC registered at Police Station Ballabhgarh City, District Faridabad (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of settlement agreement dated 21.09.2019 (Annexure P-2) arrived at the Mediation and Conciliation Centre, Faridabad,

subject to payment of the aforementioned amount of Rs.2,50,000/- by the petitioners at the time of second motion statements in the petition under Section 13-B of the Hindu Marriage Act, 1955.

March 06, 2020

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No