

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

CRM-M-45992 of 2019.

Decided on:- March 18, 2020.

Ranjan Sardana and another

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Petitioner No.1 in person.

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

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.191 dated 17.09.2019 under Sections 498-A, 323, 406 and 313 read with Section 34 IPC registered at Women Police Station, N.I.T., Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 19.10.2019 (Annexure P-2).

This Court vide order dated 29.10.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise on 04.12.2019 and the Court was directed to send its report qua genuineness of the compromise. Since the parties did not appear before learned Magistrate on 04.12.2019, vide order dated 03.02.2020 passed by this Court, one more opportunity was granted to

them to appear before learned Magistrate on any date convenient to the court for getting their statements recorded with regard to compromise.

Pursuant to the aforesaid order dated 03.02.2020, the petitioner No.1 as well as respondent No.2 have appeared before learned Judicial Magistrate 1st Class, Faridabad and got their statements recorded on 19.02.2020. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 25.02.2020 to the effect that the dispute between the parties has been resolved amicably and the compromise between them has also been made out of their own sweet will without any undue coercion and pressure. The said compromise is genuine and valid.

Though statement of petitioner No.2 Ruby Gaba has not been recorded before learned Magistrate, but no prejudice is going to be caused to her as she is the accused in the case and the statement of respondent No.2-complainant has duly been recorded by learned Magistrate in support of compromise. Moreover, in the compromise deed (Annexure P-2), it has been specifically mentioned that the second party i.e. the respondent No.2-complainant will make a statement before this Court with regard to the compromise entered into between them and will fully cooperate with the first party i.e. petitioner No.1 all respect in getting the FIR in question quashed against the first party and his sister, namely, Ruby Gaba.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Sanchita Sardana. Though no one has put in appearance on her behalf, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of the

compromise. Her statement so recorded by learned Magistrate on 19.02.2020 reads as under:

“Stated that the matter has been amicably settled between both the parties as per the terms and condition of compromise deed Ex.P1. We shall remain bound with the terms and conditions of Ex.P1. I have no objection if Hon’ble Court may quash the FIR mentioned above i.e. FIR No.191 of 2019.”

Learned State counsel does not dispute the factum of compromise between the parties.

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.191 dated 17.09.2019 under Sections 498-A, 323, 406 and 313 read with

Section 34 IPC registered at Women Police Station, N.I.T., Faridabad (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 19.10.2019 (Annexure P-2).

March 18, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No