

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

CRM-M-47495 of 2019.

Decided on:- March 12, 2020.

Yogesh.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. J.S. Hooda, Advocate for
Mr. Ashok Kaushik, Advocate for the petitioner.

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

None 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.470 dated 24.11.2014 under Sections 498-A and 406 IPC registered at Police Station Sadar Bahadurgarh, District Jhajjar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement deed dated 12.12.2018 (Annexure P-2) arrived between the petitioner and respondent No.2 at the Counselling Cell, Family Court, Patiala House, New Delhi.

This Court vide order dated November 07, 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 petitioner and respondent No.2 had appeared before learned Judicial Magistrate 1st Class, Bahadurgarh

and got their statements recorded on 09.12.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 14.01.2020 to the effect that both the parties have compromised the matter out of their sweet will and as per the statements, the compromise so arrived is genuine.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Meenakshi. Though no one has put in appearance on behalf of respondent No.2, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of compromise on 09.12.2019 to the effect that she has compromised the matter with the petitioner-accused without any pressure. As per the compromise, a decree of divorce has been passed by the Patiala House Court and she has received a sum of Rs.2,25,000/- by way of bank draft issued by the IDBI Bank, Mahipalpur, Delhi. She has no objection in case the FIR in question is quashed.

Learned State counsel has not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner 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.470 dated 24.11.2014 under Sections 498-A and 406 IPC registered at Police Station Sadar Bahadurgarh, District Jhajjar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of settlement deed dated 12.12.2018 (Annexure P-2) arrived between the petitioner and respondent No.2 at the Counselling Cell, Family Court, Patiala House, New Delhi, however, subject to payment of Rs.10,000/- as costs to be deposited by the petitioner with Pandit Bhagwat Dayal Sharma Post Graduate Institute of Medical Sciences (PGIMS), Rohtak within a period of one month from today. The said amount shall be utilised by the Institute for the welfare of poor patients within the knowledge of the Medical Superintendent.

March 12, 2020

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No