

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

CRM-M-48325 of 2019.

Decided on:- March 12, 2020.

Nitin and others

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Rahul Bhargava, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, A.A.G., Punjab.

Mr. J.S. Hooda, Advocate for
Mr. Ramanpreet Kora, 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.93 dated 04.12.2018 under Sections 323, 498-A and 406 read with Section 34 IPC registered at Police Station Women West Gurugram, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement dated 19.12.2018 (Annexure P-3) arrived at Counselling Cell, Family Courts, North, Rohini, Delhi.

This Court vide order dated 14.11.2019 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 as well as respondent No.2 have appeared before learned Judicial Magistrate 1st Class, Gurugram and got their statements recorded on 17.12.2019. On the basis of

the statements so recorded by the parties, learned Magistrate has submitted report dated 21.12.2019 to the effect that the parties have compromised the matter with their free will and full senses so that they may live in peace and harmony and to avoid any future conflict/enmity between them. The compromise between the parties appears to be genuine and valid.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Rita. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 17.12.2019 reads as under:

“Stated that an amicable settlement has been effected upon the intervention of the respectable members of society and relatives and all the disputes have been amicably resolved and now there is no ill-will between us. A settlement deed had already been filed before the Hon’ble High Court in the petition under section 482 Cr.P.C. for quashing the FIR by the accused Nitin, Rakesh and Omvati. Also a petition under section 13 B of Hindu Marriage Act was filed by both the parties in the Court of Sh. M.R. Sethi, Principal Judge, Family Court, Rohini, Delhi and decree of divorce has already been obtained on dated 7.9.2019 and DV Act case filed by me against Nitin and his family members has also been withdrawn by me from the court of Sh. Naveen Kumar, JMJC, Gurugram on dated 4.4.2019. I had also filed a petition u/s 125 Cr.P.C in the court of Sh. Sudhir Parmar, Additional Principal Judge, Family Court, Gurugram and the same has been withdrawn by me on dated 2.4.2019. Accused Nitin had also filed petition under section 9 of Hindu Marriage Act in the court of Sh. R.P. Pandey, Principal Judge, Family Court, Rohini, Delhi and the same has also been dismissed as withdrawn 8.1.2019.

As per the terms and conditions of compromise deed, today I have received a DD no.692607 dated 21.10.2019 amounting Rs.two lacs in my name as full and final remaining amount as per the settlement deed and thus all the permanent alimony amount has been received by me from the accused Nitin.

In lieu of amicable settlement, I am not willing to pursue the FIR no.93/2018 under sections 498A, 323, 406, 34 of IPC registered at Police Station Women West, Gurugram. I have no objection, if the aforesaid FIR no.93/2018 and the proceedings pending before Criminal Court Gurugram thereof are quashed. I have wilfully given my statement without any force, pressure or coercion whatsoever. Further stated that there is no other complainant or affected aggrieved party other than me in the arrayed in the petition.”

Learned counsel for the petitioners states that apart from the fact that the matter has been compromised between the parties, the marriage between petitioner No.1 Nitin and respondent No.2 Rita has already been dissolved under Section 13-B of the Hindu Marriage Act, 1955 vide judgment and decree dated 07.09.2019 passed by the Family Court, Rohini, Delhi.

Learned counsel for respondent No.2 does not dispute the aforesaid fact.

Learned State counsel also 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.93 dated 04.12.2018 under Sections 323, 498-A and 406 read with Section 34 IPC registered at Police Station Women West Gurugram, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of settlement dated 19.12.2018 (Annexure P-3) arrived at Counselling Cell, Family Courts, North, Rohini, Delhi, however, subject to payment of total costs of Rs.10,000/- to be paid by the petitioners to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

March 12, 2020

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No