

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

292

CRM-M-50426-2019

Date of Decision:17.03.2020

Ankit Kapoor and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: None for the petitioners.

Ms. Priyanka Sadar, AAG, Haryana.

None 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.461 dated 14.06.2015 under Sections 498-A, 406 IPC (the offences under Sections 420 IPC and Sections 3 & 4 of the Dowry Prohibition Act were added later on), registered at Police Station Yamuna Nagar City, District Yamuna Nagar(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 21.11.2019 (Annexure P-2).

Since no one is present on behalf of the parties, no prejudice is going to be caused to them as the matter has been compromised between the parties.

This Court vide order dated 28.11.2019 had directed the parties

to appear before the trial Court/Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate 1st Class-cum-Civil Judge(Jr. Divn.), Yamuna Nagar at Jagadhri and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 20.01.2020 to the effect that the parties have compromised the matter voluntarily and without any pressure from any corner.

Though no one is present on behalf of respondent No.2-complainant Sobika Rao in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 17.01.2020. The same is reproduced as under:-

“Stated that I have compromised the dispute involved in present case with the accused persons out of my complete free will and volition. The compromise deed has already been produced on record in proceedings pending before the Hon'ble High Court. I have no objection in quashment of the FIR No.461 dated 14.06.2016 PS City, Yamunanagar. There is no other aggrieved party except me in present case. Said statement has been given by me without any fear or pressure.”

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)***

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.461 dated 14.06.2015 under Sections 498-A, 406 IPC (the offences under Sections 420 IPC and Sections 3 & 4 of the Dowry Prohibition Act were added later on), registered at Police Station Yamuna Nagar City, District Yamuna Nagar(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 21.11.2019(Annexure P-2).

March 17, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No