

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

CRM-M-54542 of 2019.

Decided on:- February 28, 2020.

Viraj Lamba.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Ms. Shaveta Sanghi, Advocate and
Ms. Radhika Sharma, Advocate
for the petitioner.

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

Mr. Sumit Sangwan, Advocate for
Mr. Sudhir Hooda, Advocate
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.291 dated 21.04.2017 under Sections 498-A, 506, 494 and 323 read with Section 34 IPC registered at Police Station Sirsa City, District Sirsa (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement/agreement dated 07.11.2019 arrived at the Mediation and Conciliation Centre of this Court (Annexure P-3).

This Court vide order dated 19.12.2019 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 parties had appeared before learned Judicial Magistrate 1st Class, Sirsa and got their statements recorded on 13.01.2020. 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 the compromise entered between the parties is genuine, voluntary and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Priya Lamba. She has already made a statement before learned Magistrate in support of compromise on 13.01.2020 wherein she has specifically stated that she has compromised the matter with the petitioner-accused and she has no objection in case the FIR in question is quashed.

Learned counsel for respondent No.2-complainant has not disputed the factum of compromise effected between the parties.

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

In view of the above, it being a matrimonial dispute and the matter has been compromised between the parties, 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.291 dated 21.04.2017 under Sections 498-A, 506, 494 and 323 read with Section 34 IPC registered at Police Station Sirsa City, District Sirsa (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of settlement/agreement dated 07.11.2019 arrived at the Mediation and Conciliation Centre of this Court (Annexure P-3), however, subject to payment of costs of Rs.15,000/- with the Director, Government Multi Speciality Hospital, Sector-16, Chandigarh, which shall be paid by the petitioner within a period of one month from today. This amount shall be utilized for the welfare of poor and needy patients under the supervision of concerned Medical Superintendent.

February 28, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No