

278.

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

CRM-M-54712-2019

Date of decision: 19.03.2020

SUNIL KUMAR 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,
for respondent No.1.

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 F.I.R. No.0153 dated 19.11.2018 registered under Sections 406/498A/506 of IPC at Police Station Dabua, District Faridabad (Annexure P-1) on the basis of settlement/compromise dated 29.07.2019 (Annexure P-8) arrived at before the Mediation and Conciliation Centre of this Court.

This Court vide order dated 20.12.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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, parties have appeared before learned Judicial Magistrate Ist Class, Faridabad and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 23.01.2020 to the effect that the compromise has been effected between the parties voluntarily, without any fear, coercion or inducement.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Chanchal but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 21.01.2020 to the effect that she has compromised the matter with the accused with her own free will, without any pressure or coercion and she has no objection in case the present FIR is quashed qua the petitioners.

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 FIR.

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 also in the light of *Gold Quest International Private Limited's case (supra)*, this petition is allowed and F.I.R. No.0153 dated 19.11.2018 registered under Sections 406/498A/506 of IPC at Police Station Dabua, District Faridabad (Annexure P-1) is quashed qua the petitioners on the basis of settlement/compromise dated 29.07.2019 (Annexure P-8) arrived at before the Mediation and Conciliation Centre of this Court, however, that would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the High Court Bar Association in the Lawyers' Welfare Fund, within one month from today.

(HARI PAL VERMA)
JUDGE

19.03.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No