

223.

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

CRM-M-30144-2020

Date of decision: 01.03.2021

AMANDEEP SHARMA THROUGH HIS SPECIAL ATTORNEY, AND
ANR

... Petitioners

versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Vikas Mohan Gupta, Advocate,
for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana,
for respondent No.1.

Mr.Rohit Aggarwal, 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 F.I.R. No.466 dated 20.11.2018 registered under Sections 323/406/498-A and 506 read with Section 34 of IPC at Police Station City Mandi Dabwali, District Sirsa (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-4).

This Court vide order dated 30.09.2020 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 Sub Divisional Judicial Magistrate, Dabwali and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.11.2020 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any pressure.

Respondent No.2-complainant, namely, Chhabina Rani Sharma has made her statement with regard to compromise before learned Magistrate on 30.10.2020 to the effect that she has compromised the matter with the accused-petitioners Amandeep Sharma and Rupinder Sharma voluntarily and without any pressure. She has no objection in case the present FIR is quashed qua the petitioners.

Learned State counsel as well as counsel for respondent No.2 have 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.466 dated 20.11.2018 registered under Sections 323/406/498-A and 506 read with Section 34 of IPC at Police Station City Mandi Dabwali, District Sirsa (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-4), however, that would be subject to payment of costs of Rs.50,000/- 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

01.03.2021
sanjeev

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