

220.

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

**CRM-M-30204-2020**

Date of decision: 02.03.2021

YOGESH SHARMA

... Petitioner

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

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

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Present: Dr. Anand Kumar Bishnoi, Advocate, for the petitioner.

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

Mr. Pawan Singh, Advocate, for respondent No.2.

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**HARI PAL VERMA, J.(Oral)**

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.333 dated 11.11.2017 registered under Sections 498A/323/506/34 of IPC (Section 406 IPC added lateron) at Police Station Shivaji Nagar, Gurgaon (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.02.2020 (Annexure P-2).

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 Judicial Magistrate First Class, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.11.2020 to the effect that the compromise has been effected between the parties voluntarily, without any pressure or coercion.

Respondent No.2-complainant, namely, Shyama Sharma has made her statement with regard to compromise before learned Magistrate on 28.10.2020. The same is reproduced as under:-

*“Stated that due to intervention of respectable person, a compromise has been effected with the accused persons. Upon my free will and volition and without any pressure, I being the Complainant and Injured have no objection, if the FIR in the present case is quashed. Now, the matter has been settled amicably. I have no grievance against accused person.”*

Learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In the report received from learned Judicial Magistrate Ist Class, Gurugram, the offence under Sections 406, 34 IPC are not mentioned, but since the matter has been compromised in principal, no prejudice is going to be caused to the complainant if the FIR is quashed qua these Sections as well as she has suffered statement in support of the compromise,

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)***

**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.333 dated 11.11.2017 registered under Sections 498A/323/506/34 of IPC (Section 406 IPC added lateron) at Police Station Shivaji Nagar, Gurgaon (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 05.02.2020 (Annexure P-2), however, that would be subject to payment of costs of Rs.25,000/- to be deposited by the petitioner with the High Court Bar Association in the Lawyers' Welfare Fund, within one month from today.

**(HARI PAL VERMA)**  
**JUDGE**

02.03.2021  
sanjeev

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