

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-32255 of 2020

Date of Decision: 12.03.2021

Rahul

...Petitioner(s)

Versus

State of Haryana & another

...Respondent(s)

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

Present:- Mr. Anshuman Dalal, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. K.L. Saini, 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 FIR No.23 dated 11.01.2020 under Sections 498-A, 354-D, 406, 506, 34 IPC registered at Police Station Urban Estate Rohtak, District Rohtak (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 21.09.2020 (Annexure P-2).

This Court vide order dated 12.10.2020 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the

genuineness of the compromise so effected between the parties on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Chief Judicial Magistrate, Rohtak and got their statements recorded. Learned Magistrate has forwarded his report dated 09.11.2020 to the effect that the compromise arrived at between the parties is genuine and voluntary and the same is not the result of any pressure, coercion or undue influence. The statement of the complainant-respondent no.2 recorded by the learned Magistrate on 02.11.2020 in support of the compromise dated 21.09.2020 reads as under:-

“I have compromised the matter with accused Rahul voluntarily without any pressure and same is outcome of free will. I have no objection if the FIR no.23 dated 11.1.2020 u/s 498-A, 406, 354-D and 506/34 IPC, P.S. Urban Estate Rohtak and proceedings arising out of the same are quashed against the accused in this case.”

Learned counsel for respondent no.2 does not dispute the factum of compromise so entered between the parties and submits that the complainant has no objection to the FIR being quashed.

Learned State counsel also does not dispute the compromise entered between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties and no useful purpose would be served to continue with the proceedings in the instant FIR.

Considering the fact that the present is a matrimonial dispute between the parties and the matter has been compromised between them,

this Court finds that there is no impediment in quashing of the FIR in question *qua* the petitioner. In fact, 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.

Accordingly, 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.23 dated 11.01.2020 under Sections 498-A, 354-D, 406, 506, 34 IPC registered at Police Station Urban Estate Rohtak, District Rohtak, (Annexure P-1) and the consequential proceedings arising therefrom are quashed *qua* the petitioner, on the basis of compromise dated 21.09.2020 (Annexure P-2).

March 12, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No