

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-38390-2020

Date of Decision:02.02.2021

Sonu and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

Present: None.

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 FIR No.122 dated 11.07.2020 under Sections 323, 342, 377, 498-A and 506 IPC, registered at Police Station Nighdu, District Karnal (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 10.10.2020 (Annexure P-2).

This Court vide order dated November 24, 2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Karnal and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

at between the parties is genuine and the same has been executed voluntarily and out of their free will.

Though no one is present on behalf of respondent No.2-complainant Paramjit Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 07.01.2021 to the effect that the matter has been compromised without any pressure and with her free will and she (complainant) has no objection, if the present FIR registered against the accused, is quashed.

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 when the disputes are substantially matrimonial in nature, or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes 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 of India.

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***, as approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** also, in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and FIR No.122 dated 11.07.2020 under Sections 323, 342, 377, 498-A and 506 IPC, registered at Police Station Nighdu, District Karnal (Annexure P-1) and all the

consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 10.10.2020 (Annexure P-2), however, subject to payment of costs of ₹10,000/- to be deposited by the petitioners, within a period of one month from today with the Bar Association of this Court.

Since the present order is being passed in the absence of respective lawyers of the parties, in case either party finds that any prejudice has been caused to them, they shall be at liberty to seek revival of the present petition.

February 02, 2021
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No