

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CRM-M-39278-2020

Date of Decision:23.02.2021

Galaxy Gaurav

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Diwan S. Adlakha, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Ram Kumar Saini, Advocate for
Mr. Mandhir Singh Virk, 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.364 dated 05.06.2020 under Sections 323, 498-A, 506 IPC (the offences under Sections 354 & 34 IPC were deleted during the course of investigation), registered at Police Station Karnal Sadar, District Karnal(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise-deed dated 18.11.2020 (Annexure P-2).

Learned counsel for the petitioner submits that the matter has been compromised and the parties are residing together as a husband and wife.

This Court vide order dated 26.11.2020 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 Additional Chief Judicial Magistrate, Karnal and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.12.2020 to the effect that the compromise effected between the parties is genuine, valid, without any coercion or undue influence.

Respondent No.2-complainant, namely, Seema Rani, has made a statement with regard to compromise before learned Magistrate on 16.12.2020 to the effect that she has compromised the matter with the petitioner-accused and she has no objection, in case, the present FIR registered against him, is quashed.

Learned State counsel has not disputed the factum of compromise between the parties.

Learned counsel for the complainant-respondent No.2 submits that the matter has been compromised between the parties and they are residing together as a husband and wife.

In view of the conceded position that the matter has been compromised between the parties, 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.364 dated 05.06.2020 under Sections 323, 498-A, 506 IPC (the offences under Sections 354 & 34 IPC were deleted during the course of investigation), registered at Police Station Karnal Sadar, District Karnal(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise-deed dated 18.11.2020 (Annexure P-2), subject to payment of costs of ₹10,000/- to be deposited by the petitioner, within a period of one month from today with the Bar Association of this Court.

February 23, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No