

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-39307 of 2020

Date of Decision: 16.02.2021

Daman Deep Singh and others

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

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

Present:- Mr. Varinder Singh Rana, Advocate  
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Jeevan Gautam, 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 FIR No.720 dated 04.12.2019 under Sections 120,-B 323, 498-A, 406, 506 of IPC registered at Police Station Yamuna Nagar City, District Yamuna Nagar (Annexure P-1) and subsequent proceedings arising therefrom, on the basis of compromise dated 22.10.2020 (Annexure P-2).

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 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 Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri and got their statements recorded. Learned Magistrate has forwarded his report dated 15.01.2021 to the effect that the compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence. As per the report of learned Magistrate, challan in the case was presented on 02.03.2020 and as per the final report, there is only one accused namely Damandeep Singh (i.e. the petitioner), whereas the other accused i.e. petitioners no.2 to 5 were found innocent during investigation.

Respondent No.2-complainant, namely, Navneet Kaur has made her statement with regard to compromise before learned Magistrate on 15.01.2021. The same is reproduced as under:-

*“Stated that I have arrived at the compromise with my husband Damandeep Singh and Bhupinder Singh son of Jaswinder Singh, Sukhbir Kaur wife of Bhupinder Singh, Govind Singh son of Bhupinder Singh, Bhupinder Kaur @ Priya wife of Govind Singh, residents of Chandan Colony, Lal Dawara, Yamuna Nagar. Now all the misunderstandings between me and above mentioned persons have come to an end and now I along with my husband Damandeep Singh are living together. I don’t want to pursue this case. I am giving my statement without any pressure and inducement of any kind.”*

Learned State counsel does not dispute the factum of compromise effected between the parties.

On the other hand, learned counsel for respondent no.2 submits that apart from the fact that the matter has been compromised between the parties, the petitioner No.1 and respondent No.2 are staying together as husband and wife. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

I have heard learned counsel for the parties.

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 petitioner no.1. In fact, continuation of the proceedings before the trial Court in the instant FIR *qua* the petitioner no.1 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.

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 well as the law laid down in ***Gold Quest International Private Limited's case (supra)***, the present petition is

allowed and the FIR No.720 dated 04.12.2019 under Sections 120,-B 323, 498-A, 406, 506 of IPC registered at Police Station Yamuna Nagar City, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed *qua* petitioner no.1 on the basis of compromise dated 22.10.2020 (Annexure P-2).

However, the petition *qua* petitionrs no.2 to 5 namely Bhupinder Singh, Sukhbir Kaur, Gobind Singh and Bhupinder Kaur @ Priya has been rendered infructuous and same is dismissed, as such.

February 16, 2021  
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( HARI PAL VERMA )  
JUDGE

Whether speaking / reasoned?  
Whether reportable?

Yes / No  
Yes / No