
(2019) 02 P&H CK 0331

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 61778 Of 2018

Anish Bakshi And Anr.

APPELLANT

Vs

State Of Haryana And Anr.

RESPONDENT

Date of Decision : 21-02-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 498A
Hindu Marriage Act, 1955 — Section 13B
Constitution Of India, 1950 — Article 226

Citation : (2019) 02 P&H CK 0331

Hon'ble Judges : Hari Pal Verma, J

Bench : Single Bench

Advocate : Vaibhav Parashar, Manish Bansal, Sajid

Final Decision : Allowed

Judgement

Hari Pal Verma, J

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.645 dated 24.11.2015 registered under Sections 34/498-A of IPC at Police Station Saran, District Faridabad (Annexure P-1) and all subsequent proceedings arising there from on the basis of compromise dated 12.11.2018 (Annexure P-2) entered between the parties in a petition filed under Section 13-B of Hindu Marriage Act.

This Court vide order dated 20.12.2018 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 Ist Class, Faridabad and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated

29.01.2019 to the effect that the compromise effected between the parties appears to be without any threat or pressure from either side and is made out of free volition of the parties.

Respondent No.2-complainant, namely, Reema Sharma has made her statement with regard to compromise before learned Magistrate on 29.01.2019. The same is reproduced as under:-

"Stated that the present case FIR No.645 dated 24.11.2015 under Section 498-A, 34 IPC, P.S. Saran, Faridabad was got registered on my complaint. Now, the matter has been compromised between the parties amicably and voluntarily without any force, pressure or any sort of undue influence. No grievance remains against the accused persons qua the complaint. I do not want to pursue the present case/FIR against the accused persons. I have no objection of the instant FIR be quashed."

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

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.645 dated 24.11.2015 registered under Sections 34/498-A of IPC at Police Station Saran, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 12.11.2018 (Annexure P-2) entered between the parties in a petition filed under Section 13-B of Hindu Marriage Act, however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.