
(2019) 08 P&H CK 0081

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 22077 Of 2019

Pooja Rani And Others

APPELLANT

Vs

State Of Haryana And Another

RESPONDENT

Date of Decision : 21-08-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 120B, 323, 406, 420, 468

Citation : (2019) 08 P&H CK 0081

Hon'ble Judges : Hari Pal Verma, J

Bench : Single Bench

Advocate : Rajiv Sidhu, Gaganpreet Kaur, Nipun Vashist

Final Decision : Allowed

Judgement

Hari Pal Verma, J

1. Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.280 dated 22.08.2018 under Sections 120-B, 323, 406, 420 and 468 IPC and Sections 66 and 72 of the Information Technology (Amendment) Act, 2008 registered at Police Station Gurgaon City, Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 20.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioner as well as respondent No.2-complainant have appeared before learned Chief Judicial Magistrate, Gurugram and got their statements recorded on 03.07.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 06.08.2019 to the effect that the parties to the litigation have

entered into the compromise out of their own volition and same is without any pressure or coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Pushpender Kumar. He has made a statement before learned Magistrate in support of the compromise on 03.07.2019, wherein he has specifically mentioned that he has no objection in case the FIR in question is quashed as the matter has been compromised between the parties.

Reply by way of affidavit of Rajeev Kumar, HPS, Assistant Commissioner of Police, City Gurugram filed on behalf of respondent No.1-State in Court today, is taken on record.

Learned counsel for respondent No.2-complainant and learned State counsel do not dispute the factum of compromise entered between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners 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.280 dated 22.08.2018 under Sections 120-B, 323, 406, 420 and 468 IPC and Sections 66 and 72 of the Information Technology (Amendment) Act, 2008 registered at Police Station Gurgaon City, Gurugram (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise (Annexure P-2).