

(2019) 08 P&H CK 0100

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 19576 Of 2019

Rajiv Rawal And Ors

APPELLANT

Vs

State Of Haryana And Another

RESPONDENT

Date of Decision : 08-08-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 498A

Citation : (2019) 08 P&H CK 0100

Hon'ble Judges : Hari Pal Verma, J

Bench : Single Bench

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.181 dated 14.04.2017 registered under Sections 406, 498-A of IPC at Police Station Shahabad, District Kurukshetra (Annexure P- 1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.04.2019 (Annexure P-2).

This Court vide order dated 01.05.2019 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 Sub Divisional Judicial Magistrate, Shahabad and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.05.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion and undue influence.

Though today none has put in appearance on behalf of respondent No.2-

complainant, namely, Meenu Rawal but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 10.05.2019. The same is reproduced as under:-

"Stated that I have compromised the matter with the accused persons voluntarily, without any pressure, threat or coercion from any side and now I am living happily in my matrimonial home for the last 6-7 months"

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

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.181 dated 14.04.2017 registered under Sections 406, 498-A of IPC at Police Station Shahabad, District Kurukshetra (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 19.04.2019 (Annexure P-2).