

(2019) 08 P&H CK 0141

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 3619 Of 2019 (O&M)

Sumit Mann Through Spa Antesh Kumar, And Ors.

APPELLANT

Vs

State Of Haryana And Anr.

RESPONDENT

Date of Decision : 07-08-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 323, 406, 498A, 506
Constitution Of India, 1950 — Article 226

Citation : (2019) 08 P&H CK 0141

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.33 dated 09.07.2014 registered under Sections 498-A, 406, 506, 323, 34 of IPC at Women Police Station, Sonipat (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 16.01.2019 (Annexure P-2).

This Court vide order dated 28.01.2019 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 Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Sonapat and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.03.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any pressure.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Preeti Singh but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 08.03.2019 to the effect that she has compromised the matter with the accused without any pressure and in terms of compromise, even divorce has been granted. She does not want any further proceedings in the case and has no objection in case the FIR is quashed.

Petitioner No.1-Sumit Mann is the husband of respondent No.2-Preeti Singh, whereas petitioners No.2 and 3, namely, Satish and Dayawanti are her parents-in-law. Petitioner No.1 has filed the present petition through his Special Power of Attorney Antesh Kumar. However, petitioner No.1-Sumit Mann is present in the Court and states that the trial Court has not recorded the statement of Antesh Kumar and has only recorded the statements of petitioners No.2 and 3 who are parents of petitioner No.1. He has produced photocopy of his identity card and his air return tickets, which are taken on record.

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.33 dated 09.07.2014 registered under Sections 498-A, 406, 506, 323, 34 of IPC at Women Police Station, Sonipat (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.01.2019 (Annexure P-2).