

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CRM-M-577-2021

Date of Decision:07.01.2021

Sanjeev Nehra and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

**Present: Mr. Ajay Ghangas, Advocate,
for the petitioners.**

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.873 dated 07.12.2018 under Sections 498-A, 406, 506, 323 IPC, registered at Police Station Camp Palwal, District Palwal (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

At this stage, Mr. Bhupender Singh, D.A.G., Haryana, has put in appearance and accepts notice on behalf of respondent no.1-State.

Mr. Chander Shekhar, Advocate, has put in appearance and accepts notice on behalf of respondent no.2 and submits that the matter has been compromised between the parties and he has no objection, if the present petition is allowed and the FIR, in question, on the basis of

comprose, is quashed.

Learned State counsel has not disputed the factum of compromise between the parties.

Heard.

Along with the present petition, statement of the parties recorded in the proceedings under Section 13-B(I) of the Hindu Marriage Act, 1955 (for short "the H.M. Act) for divorce by mutual consent has been attached. The marriage between the parties was solemnized on 28.04.2017. There is no child from this wedlock and the parties are living separately since 11.03.2018 on account of incompatibility and temperamental differences. The petition under Section 13-B of the H.M. Act for dissolution of their marriage by way of mutual consent was filed, wherein statements of the parties have been recorded and both the parties have signed their respective statements before learned Principal Judge, Family Court, Palwal. The statements of the parties attached with this petition, Annexure P-2 depict that respondent No.2 has made a recital in her statement that she would withdraw the cases filed against the petitioners.

In view of the statements made by the parties in the proceedings under Section 13-B of the H.M. Act, coupled with the decree of divorce dated 09.12.2020 by way of mutual consent passed by learned Principal Judge, Family Court, Palwal, this Court finds that no useful purpose would be served to keep the petition alive as the matter has been compromised between the parties.

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 when the disputes are substantially matrimonial in nature,

or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes 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 of India.

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*, as approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303* also, in the light of *Gold Quest International Private Limited's case (supra)*, this petition is allowed and FIR No.873 dated 07.12.2018 under Sections 498-A, 406, 506, 323 IPC, registered at Police Station Camp Palwal, District Palwal(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise effected between the parties, subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of two months from today with the Bar Association of this Court.

January 07, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No