

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. M- No. 23368 of 2014 (O&M)

267

Date of decision : 06.02.2015

Ravinder Aswal and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Mamtesh Sharma, Advocate
for the petitioners.

Mr. S.S. Chaudhary, DAG, Punjab

Mr. H.R. Chaudhary, Advocate for
Mr. Sanjay Verma, Advocate
for respondent No. 2.

LISA GILL, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 618 dated 31.07.2013 registered under Sections 498A, 406, 506, 323, 34 Indian Penal Code (for short 'IPC') at Police Station Gurgaon City and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

2. The above said FIR has been registered on the application by the complainant - respondent No. 2 Smt. Kusum Rani alleging commission of offences under Sections 498A, 406, 506, 323, 34 IPC.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 04.07.2014 (Annexure P-2). The parties wish to live in peace and

harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

4. This FIR arises out of a matrimonial dispute between the parties, which has since been amicably resolved vide the abovementioned compromise/settlement.

5. This Court on 08.12.2014 had directed the parties to appear before learned trial court on 07.01.2015 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence.

6. Pursuant to order dated 08.12.2014, report dated 09.01.2015 has been received from Judicial Magistrate First Class, Gurgaon wherein it is observed that the settlement entered into between the parties is voluntary, without any fear, apprehension, undue influence or coercion. Respondent No. 2 – Smt. Kusum Rani had duly recorded her statement that she did not wish to proceed against the accused petitioners in view of the amicable settlement arrived at and she has no objection if this FIR is quashed. Statements of the parties have been appended alongwith the report.

7. Learned counsel for respondent No. 2 affirms and verifies the factum of settlement between the parties and submits that respondent No. 2 has no objection to the quashing of the said FIR in view of the settlement between the parties.

8. In **Kulwinder Singh and others versus State of Punjab and another** 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

9. In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

10. This petition is, thus, allowed and FIR No. 618 dated 31.07.2013 registered under Sections 498A, 406, 506, 323, 34 IPC at Police Station Gurgaon City alongwith all consequential proceedings are, hereby, quashed.

February 06, 2015
rts

(LISA GILL)
JUDGE