

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Crl. Misc. No. M- 36137 of 2013(O&M)

Date of Decision: February 6, 2015.

Anand Dabas

..... PETITIONER(s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Vandana Sharma, Advocate for
Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. P.S.Sullar, Addl.A.G., Haryana.

Mr. Arshdeep Singh Cheema, Advocate
for respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

1. Prayer in this petition is for quashing of FIR No.164 dated 26.05.2012, under Sections 323/452/506/458 IPC, registered at police station Sadar Gurgaon, District Gurgaon and all other consequential proceedings arising therefrom on the basis of compromise having been entered into between the parties.

2. Aforesaid FIR, registered on the basis of a written application moved by Rekha Dabas respondent No.2, has arisen primarily out of a matrimonial dispute between the parties. The matter has been amicably resolved between the parties.

3. A compromise has been arrived at between the parties before the learned District Judge, Family Court, Gurgaon during the proceedings of divorce by mutual consent. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this settlement, Annexure P2.

4. This Court on 10.02.2014 had directed the parties to appear before learned trial court/Illaq Magistrate on 10.03.2014 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court/Illaq Magistrate was directed to submit a report regarding the genuineness of the compromise, number of persons arrayed as accused, whether any accused is proclaimed offender and as to whether the same is genuine and voluntary and has been arrived at without any coercion or undue influence.

5. Pursuant thereto, report dated 18.04.2014 has been received from Judicial Magistrate First Class, Gurgaon wherein it is observed that parties have voluntarily compromised the matter without any fear, threat, coercion or undue influence. Complainant/respondent No.2 – Rekha Dabas as well as the petitioner had put in appearance and got recorded their statements before the learned Magistrate to the effect that the settlement has been effected between them. Statements of the parties have been appended alongwith the said report.

6. Learned counsel for the petitioner submits that in terms of the

settlement arrived at between the parties, a sum of ₹2,50,000/- has been paid. The balance amount of ₹3,21,000/- out of total of ₹5,71,000/- shall be paid on or before 30.06.2015. As per the settlement, petitioner further undertakes to pay an additional amount of ₹3,45,000/- towards the education of minor children on or before 30.06.2015. Affidavit dated 06.02.2015 of the petitioner has been filed in Court today to this effect.

8. Mr. Arshdeep Singh Cheema, Advocate, learned counsel for respondent No.2 reiterates the factum of settlement between the parties and submits that respondent No.2 has no objection to the quashing of the aforementioned FIR against the petitioner in view of the settlement and undertaking as well as affidavit filed in Court today regarding the rest of the payment being released on or before 30.06.2015.

9. 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”.

10. 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 precious time of the court and would be an exercise in futility as the chances of conviction of the petitioner are bleak.

11. This petition is, thus, allowed and FIR No.164 dated 26.05.2012, under Sections 323/452/506/458 IPC, registered at police station Sadar Gurgaon, District Gurgaon alongwith all consequential proceedings is, hereby, quashed.

However, in view of the undertaking given by the petitioner to pay the amount as aforementioned on or before 30.06.2015, it is clarified that in case payment of ₹3,45,000/- is not made on or before 30.06.2015, respondent No.2 shall be at liberty to move an appropriate application in this case.

February 6, 2015.
'om'

(LISA GILL)
JUDGE