

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

Crl. Misc. No. M- 35011 of 2014(O&M)

Date of Decision: February 6, 2015.

Anup and another

..... PETITIONER(s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Nipun Vashist, Advocate
for the petitioners.

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

Mr. Jitender K.Sehrewal, 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.86 dated 06.05.2011, under Sections 498A/406/506/34 IPC, registered at police station Khol, District Rewari and all other consequential proceedings arising therefrom on the basis of compromise having been entered into between the parties.

2. Aforesaid FIR has been registered on the basis of statement of Anju, respondent No.2 alleging the commission of offences punishable under Sections 498A/406/506/34 IPC by the petitioners.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 09.10.2014. The parties wish to live in peace and harmony and put an end to the acrimony between them.

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

5. This Court on 28.10.2014 had directed the parties to appear before learned trial court 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. Learned trial court was also directed to intimate whether any of the petitioners are proclaimed offenders and regarding any other case pending against them. Information was also sought as to whether all affected persons are a party to the settlement.

7. Pursuant thereto, report dated 11.12.2014 has been received from the learned Chief Judicial Magistrate, Rewari wherein it is stated that the parties have voluntarily compromised the matter without any fear, threat, coercion or undue pressure. Petitioners are not involved in any other case and they have not been declared proclaimed offenders. Statements of the parties have been appended alongwith the said report.

8. Mr. Jitender K.Sehrewal, Advocate, learned counsel for respondent No.2 reiterates the factum of settlement between the parties and submits that Anju Kumari, respondent No.2 has no objection to the quashing of the

aforementioned FIR against the petitioners.

9. Learned counsel for the State, on instructions from ASI Prakash Chand, verifies the factum of settlement between the parties. The petitioners are not proclaimed offenders and there is no other case pending against them.

10. 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”.

11. 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 petitioners are bleak.

12. This petition is, thus, allowed and FIR No.86 dated 06.05.2011, under Sections 498A/406/506/34 IPC, registered at police station Khol, District Rewari alongwith all consequential proceedings is, hereby, quashed.

(LISA GILL)
JUDGE

February 6, 2015.
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