

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Misc. No. M- 36548 of 2014(O&M)

Date of Decision: January 30, 2015.

Vikram @ Deepak

..... PETITIONER(s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manoj K.Tanwar, Advocate
for the petitioners.

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

Mr. Kapil Khanna, Advocate for
Mr. SPS Chakkal, Advocate
for respondent No.2.

LISA GILL, J.

1. Prayer in this petition is for quashing of FIR No.250 dated 21.11.2009, under Sections 498A/406/323/506 IPC, registered at police station Kanina, District Mohindergarh and all other consequential proceedings arising therefrom on the basis of compromise having been entered into between the parties.

2. The abovesaid FIR has been registered on the basis of an application of respondent No.2 – Renu alleging the commission of offences punishable under Sections 498A/406/323/506 IPC. It is submitted that all the other accused were found innocent during investigation and it is only the petitioner who was proceeded against.

3. Due to the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 04.10.2014. The parties wish to live in peace and harmony and put an end to the acrimony between them.

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

5. This Court on 08.12.2014 had directed the parties to appear before learned trial court on or before 24.12.2014 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 has also been directed to intimate whether the petitioner is a proclaimed offender and regarding any other case pending against him. Information was also sought as to whether all affected persons are a party to the settlement.

7. Pursuant thereto, report dated 02.01.2015 has been received from the learned Judicial Magistrate First Class, Mahendergarh wherein it is observed that settlement arrived at between the parties is genuine, voluntary and without any threat, coercion or undue pressure. The accused has not been convicted or involved in any other case. Statements of the parties i.e. petitioner – Vikram, complainant/respondent No.2 – Renu as well as that of Rajbala, mother of the complainant have been appended alongwith the said report.

8. Learned counsel for respondent No.2 – Renu admits the factum of

settlement arrived at between the parties and submits that respondent No.2 has no objection to the quashing of the FIR alongwith all consequential proceedings arising therefrom.

9. Learned counsel for the State, on instructions from ASI Rameshwar, affirms and verifies the factum of compromise between the parties. The petitioner is not a proclaimed offender and there is no other case pending against him.

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.

12. This petition is, thus, allowed and FIR No.250 dated 21.11.2009, under Sections 498A/406/323/506 IPC, registered at police station Kanina, District Mohindergarh alongwith all consequential proceedings is, hereby, quashed.

(LISA GILL)
JUDGE

January 30, 2015.
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