

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

Crl. Misc. No. M- 37503 of 2014(O&M)

Date of Decision: February 12, 2015.

Phulvinder Singh and another

..... PETITIONER(s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. IPS Doabia, Advocate
for the petitioners.

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

Mr. Sanjeev Roy, 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.4 dated 02.01.2010, under Sections 498A/406/323/307/506/34 IPC, registered at police station Mujesar, District Faridabad and all other consequential proceedings arising therefrom on the basis of compromise dated 25.08.2014, Annexure P2, having been entered into between the parties.

Learned counsel for the petitioners submits that correct spelling of the name of petitioner is 'Phulvinder Singh' instead of Pulvinder Singh.

Registry is directed to carry out necessary correction in the memo of parties.

2. Learned counsel for the petitioners further submits that Challan/report under Section 173 Cr.P.C. has been filed under Sections 498A/406/323/506/34 IPC and Section 307 IPC has not been added.

3. Reply by way of affidavit dated 10.02.2015 of Ajit Singh, Assistant Commissioner of Police, Mujessar, District Faridabad has been filed on behalf of respondent No.1 by the learned counsel for the State. The same is taken on record.

The fact that in the Challan/report under Section 173 Cr.P.C. offence punishable under Section 307 IPC has not been added, is confirmed and verified by learned counsel for the State on instructions from SI Kanhiya. It is mentioned in the aforementioned reply as well.

4. Aforesaid FIR has been registered on the basis of written complaint submitted by Smt.Amrit, respondent No.2 alleging the commission of offences punishable under Sections 498A/406/323/307/506/34 IPC by the petitioners.

5. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 25.08.2014. 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 compromise.

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

7. This Court on 02.12.2014 had directed the parties to appear before the concerned Illaqa Magistrate on or before 04.12.2014 for getting their statements recorded in respect to the above-mentioned compromise. Learned Illaqa Magistrate 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.

8. 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.

9. Pursuant thereto, report dated 02.01.2015 has been received from the learned Judicial Magistrate First Class, Faridabad wherein it is stated that the parties have compromised the matter without any fear or pressure and settlement has been arrived voluntarily without any fear or pressure. Joint statement of petitioners as well as the statement of complainant have been appended alongwith the said report.

10. Mr. Sanjeev Roy, 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 petitioners.

11. 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”.

12. 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.

13. This petition is, thus, allowed and FIR No.4 dated 02.01.2010, under Sections 498A/406/323/307/506/34 IPC, registered at police station Mujesar, District Faridabad alongwith all consequential proceedings is, hereby, quashed.

February 12, 2015.
'om'

(LISA GILL)
JUDGE