

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

Crl. Misc. No. M- 40881 of 2014(O&M)

Date of Decision: February 13, 2015.

Shamsher Singh and others

..... PETITIONER(s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Navneet Singh, Advocate
for the petitioners.

Mr. Pawan Girdhar, Addl.A.G., Haryana.

Mr. Amardeep Hooda, Advocate
for respondent No.2-complainant.

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.563 dated 28.10.2004, under Sections 498A/406/34 IPC, registered at police station Civil Lines, District Rohtak and all other consequential proceedings arising therefrom on the basis of compromise having been entered into between the parties.

2. Aforesaid FIR, which arise out of matrimonial dispute between the parties, has been registered on the basis of a complaint of Ms.Geeta, respondent

No.2 alleging the commission of offences punishable under Sections 498A/406/34 IPC by the petitioners.

3. The matter has been amicably resolved and a settlement has been arrived at between the parties on 13.10.2014, Annexure P2 under the aegis of Mediation and Conciliation Centre, Rohtak. 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.

4. This Court on 23.12.2014 had directed the parties to appear before learned trial court on 20.01.2015 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.

5. 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.

6. Pursuant thereto, report dated 23.01.2015 has been received from the learned Chief Judicial Magistrate, Rohtak wherein it is observed that compromise between the parties is genuine and the same has been arrived at between them voluntarily, without any fear. Complainant – Geeta duly stated that she has no objection to the quashing of the said FIR on the basis of the settlement arrived at between the parties out of her own free will with out any threat, pressure or coercion. Photocopies of statements of the parties have been

appended alongwith the said report.

7. Mr.Amardeep Hooda, Advocate, learned counsel for respondent No.2 – Geeta 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.

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

10. This petition is, thus, allowed and FIR No.563 dated 28.10.2004, under Sections 498A/406/34 IPC, registered at police station Civil Lines, District Rohtak alongwith all consequential proceedings is, hereby, quashed.

February 13, 2015.
'om'

(LISA GILL)
JUDGE