

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Misc. No. 40954-M of 2014

Date of Decision: 18.02.2015.

Bharat Bhatia and another PETITIONER (s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Parshant Sethi, Advocate,
for the petitioners.
Mr. Pawan Girdhar, Addl.A.G.Haryana.
Respondent No.2-Smt.Sheetal Bhatia in person.

LISA GILL, J.(Oral)

Reply by way of affidavit of Ajit Singh, HPS, Assistant Commissioner of Police, Mujessa-r, has been filed in court today. The same is taken on record. Copy thereof has been supplied to the counsel for the petitioners.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No. 11, dated 06.01.2011, under Sections 498-A, 323, 324 and 34, IPC, registered at Police Station Saran, District

Faridabad, on the basis of compromise dated 26.08.2014 (Annexures P-3).

This FIR had been registered on the basis of statement of Smt. Sheetal Rani respondent No.2. It is submitted that a decree by way of divorce has also been granted on 31.05.2014 (Annexure P-2)

On the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 26.08.2014 (Annexure P-3). The parties wish to live in peace and harmony and put an end to the acrimony between them.

This court on 01.12.2014 had directed both the parties to appear before the learned trial court on 22.01.2015 to record their statements with regard to the said compromise and learned trial court was directed to submit a report regarding the genuineness of the compromise along with copies of the statement of the parties.

Report dated 28.01.2015 has been received from the Judicial Magistrate Ist Class, Faridabad wherein it is recorded that the settlement arrived at between the parties is genuine and without any fear, pressure or allurement. The statements of the parties have been appended along with the report.

Respondent No.2 Sheetal Bhatia has stated that the decree of divorce under Section 13(b) of the Hindu Marriage Act has been granted and she has received ₹3,20,000/- and has no objection if the above noted FIR is quashed.

Respondent No.2 Sheetal Bhatia has been duly identified by ASI Jai Chand present in court. She submits that she had received a sum of ₹3,20,000/- and a decree of divorce has been passed by mutual consent as well. She has no objection to the quashing of the said FIR against the petitioners. The petitioners are not proclaimed offenders and there is no other case pending against them.

In Kulwinder Singh and others versus State of Punjab and another, 2007(3) R.C.R. 1052, a five member Bench of this court has observed,

“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 Code of Criminal Procedure 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”.

Keeping in view the facts and circumstances of the present case, no useful purpose would be served by

continuing the proceedings except wastage of precious time of the court. The chances of conviction are absolutely bleak, therefore, it is in the interest of justice to quash the above said FIR.

The present petition is allowed and FIR No. 11, dated 06.01.2011, under Sections 498-A, 323, 324 and 34, IPC, registered at Police Station Saran, District Faridabad, as well as consequential proceedings arising therefrom are hereby quashed.

18.02.2015.

Anoop

(LISA GILL)

JUDGE