

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

Criminal Misc. No. M- 10034 of 2017(O&M)

Date of Decision: September 25 , 2017.

Mantavya Dhamija

..... PETITIONER(s)

Versus

Union Territory, Chandigarh and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Aanchal Thakur, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, APP, U.T.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.204 dated 08.06.2015 under Sections 406/498A IPC registered at Police Station Sector 39, Chandigarh and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The abovesaid FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 16.03.2017 (Annexure P2). The petitioner and respondent No.2 decided to part ways. It is informed by learned counsel for the petitioner that petition under Section 13B

of the Hindu Marriage Act, 1955 (for short, the 'HMA') filed by the parties has since been allowed on 21.09.2017. All claims of the complainant/respondent No.2 against the petitioner stand satisfied.

This Court on 31.03.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate was directed to submit a report regarding the validity or otherwise of the compromise arrived at between the parties.

Pursuant to order dated 31.03.2017, the parties appeared before the learned Judicial Magistrate First Class, Chandigarh and their statements were recorded on 11.05.2017. Respondent No.2 stated that the matter has been amicably resolved with the accused petitioner. Petition under Section 13B of the HMA was mentioned to have been filed. Compromise dated 16.03.2017 was tendered as Ex.CY and the petition for divorce by mutual consent as Ex.CX. Respondent No.2 further stated that she has no objection in case the abovesaid FIR is quashed against the accused petitioner. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 11.05.2017 received from the learned Judicial Magistrate First Class, Chandigarh, it is opined that the matter has been settled by the parties voluntarily without any pressure or coercion from any quarter. Statements of the parties are appended alongwith the said report.

Mr. Aman Deep Singh Rai, Advocate had appeared on behalf of respondent No.2 before this Court on 19.09.2017 and informed that the petition under Section 13B of the HMA was listed on 21.09.2017 for recording of

statements of the parties at second motion.

Learned counsel for Union Territory, Chandigarh submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of the FIR in question as well as all consequential proceedings on the basis of a settlement arrived at between the parties.

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”.

The Hon'ble Supreme Court in **B.S.Joshi and others v. State of Haryana, 2003(4) SCC 675** has observed that it becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuance of the present proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.204 dated 08.06.2015 under Sections 406/498A IPC registered at Police Station Sector 39, Chandigarh alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 to file necessary

application for revival of the proceedings in the above said FIR, in case the terms and conditions of settlement between the parties are not adhered to by the petitioner or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

September 25 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No