

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

Criminal Misc. No. M- 10073 of 2017(O&M)

Date of Decision: October 23 , 2017.

Amanpreet Singh and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: None for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Neeraj Malhotra, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0102 dated 03.12.2016 under Sections 498A/406 IPC registered at Police Station City Ambala, District Ambala 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., petitioner No.1. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 22.02.2017 (Annexure P2). It is informed that petitioner No.1 and respondent No.2 decided to bury the hatchet and are now living together at their matrimonial home.

This Court on 24.04.2017 directed the parties to appear before

learned Illaqa Magistrate for recording their statements 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. Learned Illaqa Magistrate was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 24.04.2017, the parties appeared before the learned Judicial Magistrate First Class, Ambala and their statements were recorded on 23.05.2017. Respondent No.2 stated that the matter has been amicably resolved with the accused petitioners. She is residing alongwith her husband at Kapurthala Camp, District Kapurthala. The settlement, it is stated, has been arrived at out of her own free will without any kind of pressure. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Statements of the petitioners in respect to the settlement was recorded as well.

As per report dated 24.05.2017 received from the learned Judicial Magistrate First Class, Ambala, it is opined that that the settlement between the parties is genuine and voluntary, arrived at between them without any coercion or undue influence. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2

and petitioner No.1 are now living together in their matrimonial home and respondent No.2 has no objection to the quashing of the abovementioned FIR against the accused petitioners.

Learned counsel for the State, on instructions from SI Shanti Devi, verifies that the factual position as above. It is further submitted 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.0102 dated 03.12.2016 under Sections 498A/406 IPC registered at Police Station City Ambala, District Ambala 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

October 23 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No