

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

**CRM No. M-11312 of 2016
Date of decision: 22.02.2017**

Akshay Rahul Stephens and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ashok Kumar Jindal, Advocate for the petitioners.

Mr. Sanjay K. Saini, Assistant Advocate General, Haryana

None for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 434 dated 25.09.2015 registered under Sections 498-A,323,406,506,34 of the Indian Penal Code (for short 'IPC') at Police Station Sohna, Gurgaon (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of an amicable settlement (Annexure P-3) arrived at between the parties.

The above said FIR was registered on the basis of a complaint submitted by Meenal Mangla-respondent No. 2, who was married to petitioner No.1-Akshay Rahul Stephens, alleging commission of offences punishable under Sections 498-A,323,406,506,34 IPC qua the petitioners.

The above said FIR arises out of matrimonial discord between petitioner No.1 and respondent No.2. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 08.10.2015. The parties wish to live in peace and harmony

and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise. It is submitted that petitioner No. 1 and respondent No. 2 had filed a petition under Section 10-A of Divorce Act, 1869 for dissolution of their marriage by mutual consent (Annexure P-2), which has since been allowed.

This Court on 15.11.2016 had directed the parties to appear before learned Illaqa Magistrate/trial Court on 16.12.2016 for getting their statements recorded in respect to the above-mentioned compromise. Learned Illaqa Magistrate/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. Learned court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them. Information was sought regarding number of persons arrayed as accused in FIR.

Pursuant to order dated 15.11.2016, the complainant/respondent No. 2-Smt. Meenal Mangla appeared before the learned Sub-Divisional Judicial Magistrate, Sohna on 12.01.2017. It is stated that she has amicably settled the matter out of her own free will and volition, without any kind of pressure. She further stated that she does not wish to pursue this matter against the petitioners and has no objection to the quashing of the above said FIR against the petitioners. Statements of the petitioners was recorded earlier on 17.12.2016.

As per report dated 19.01.2017 submitted by the learned Sub-Divisional Judicial Magistrate, Sohna it is noted that the statements suffered by the parties are voluntary without any coercion and undue pressure. Statements of the parties, along with their proof of identification, as well as of Sub

Inspector Meena, Police Station Sohna stating that none of the accused/petitioners were declared to be proclaimed offenders is also attached along with the report.

Mr. H.S. Baath, learned counsel for respondent No. 2 had appeared on behalf of respondent No.2 on 25.07.2016. Thereafter, the parties were directed to appear before the learned Illaqa Magistrate/trial Court for getting their statements recorded in respect of the settlement between them. Their statements were accordingly recorded. It is thus apparent that respondent No. 2 has no objection to the quashing of above mentioned FIR.

Learned counsel for the State, on instructions from Sub Inspector Meena, Police Station Sohna, submits that the present being a matrimonial dispute the State has no objection to the quashing of this FIR on the basis of the settlement 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”.

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 the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 434 dated 25.09.2015 registered under Sections 498-A,323,406,506,34 IPC at Police Station Sohna, Gurgaon alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

22.02.2017
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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*