

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

Criminal Misc. No. M- 10772 of 2017(O&M)

Date of Decision: September 19 , 2017.

Sumit Kumar PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sushil Kumar Verma, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.1061 dated 25.10.2014 under Sections 498A/406/506 IPC registered at Police Station City Sirsa, District Sirsa 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 01.03.2017 (Annexure P2 – Collectively). The petitioner and respondent No.2 decided to part ways. It is informed that petition under Section 13B of the Hindu Marriage

Act, 1955 filed by the petitioner and respondent No.2 has since been allowed on 04.09.2017. The entire settled amount of ₹5,00,000/- has been handed over to respondent No.2. Certified copy of the judgment and decree dated 04.09.2017 passed by the learned Additional District Judge, Sirsa as well as statements of the parties recorded at second motion in the abovesaid petition on 04.09.2017, produced in Court today, are taken on record subject to just exceptions.

This Court on 30.03.2017 directed the parties to appear before learned trial court for recording their statements 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 or undue influence. Learned trial court was also directed to intimate the number of persons arrayed as accused and whether any of the accused are proclaimed offenders.

Pursuant to order dated 30.03.2017, the parties appeared before the learned Chief Judicial Magistrate, Sirsa and their statements were recorded on 26.04.2017. Respondent No.2 stated that the matter has been amicably resolved with the accused petitioner i.e., her husband with the intervention of respectable persons and family members. The settlement, it is stated, has been arrived at out of her own free will, without any pressure or coercion. 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 26.04.2017 received from the learned Chief

Judicial Magistrate, Sirsa, the settlement is opined to be genuine, arrived at between the parties out of their free will without any fear, coercion, inducement or threat. The petitioner is not reported to be proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for the State, on instructions from ASI Shamsher Singh, 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.1061 dated 25.10.2014 under Sections 498A/406/506 IPC registered at Police Station City Sirsa, District

Sirsa 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 19 , 2017.
'om'

(LISA GILL)
JUDGE

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