

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

Criminal Misc. No. M- 11231 of 2017(O&M)

Date of Decision: October 4 , 2017.

Manish Kumar PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manish Mehta, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.49 dated 11.07.2016 under Sections 323/406/498A/506/34 IPC registered at Police Station Women Narnaul, District Mahendergarh 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. The matter has been resolved between the parties with the intervention of respectables and relatives. The petitioner and respondent No.2 decided to bury the hatchet and have started living together in peace and harmony.

This Court on 31.05.2017 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, fear or undue influence. Learned trial court was also directed to intimate whether any of the accused 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 31.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Narnaul and their joint statement was recorded on 03.07.2017 to the effect that they have resolved their matrimonial dispute in an amicable manner and are residing together as husband and wife alongwith their minor daughter. It is stated that respondent No.2 has no objection in case the abovesaid FIR is quashed against the accused petitioner. The settlement, it is stated, has been arrived at out of their free will and volition without any kind of pressure.

As per report dated 03.07.2017 received from the learned Judicial Magistrate First Class, Narnaul, satisfaction is expressed that the compromise between the parties is genuine and voluntary, arrived at without any pressure or coercion. Petitioner is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Mr. Ketan Antial, Advocate had earlier appeared on behalf of respondent No.2 before this Court on 03.04.2017 and affirmed that the parties were residing together.

Learned counsel for the State, on instructions from ASI Sarika, Police Station Women, Narnaul, verifies that the petitioner and respondent No.2 are living together as husband and wife in their matrimonial home. It is 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.49 dated 11.07.2016 under Sections 323/406/498A/506/34 IPC registered at Police Station Women Narnaul, District Mahendergarh 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.

October 4 , 2017.
'om'

(LISA GILL)
JUDGE

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