

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

Crl. Misc. No. M- 116 of 2017(O&M)

Date of Decision: March 8 , 2017.

Ankit Jain and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Matinder Brar, Advocate
for the petitioners.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Akashdeep Singh, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.251 dated 27.06.2015, under Sections 498A/406/506/354/34 IPC, registered at Police Station Shivaji Colony, Rohtak and all other consequential proceedings arising therefrom on the basis of a compromise dated 16.07.2016 (Annexure P2) arrived at between the parties.

The abovesaid FIR was registered on the basis of an application submitted by respondent No.2. FIR No.251 dated 27.06.2015 was a fallout of matrimonial discord between petitioner No.1 and respondent No.2. With the intervention of respectables and relatives, a compromise has been arrived at

between the parties, the terms of which were reduced in writing on 16.07.2016. The parties wish to live in peace and harmony and put an end to the acrimony between them. It is submitted that petition under Section 13B of the Hindu Marriage Act, 1955 filed by the parties has been allowed on 24.01.2017.

This Court on 10.01.2017 directed the parties to appear before learned trial court on 20.02.2017 for getting their statements recorded 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 petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was also sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 10.01.2017, the parties appeared before the learned Judicial Magistrate First Class, Rohtak and their statements were recorded on 20.02.2017. Respondent No.2 i.e., the complainant made a statement to the effect that a settlement has been arrived at between the parties on 16.07.2016. The settlement has been arrived at out of her own free will and consent without any kind of threat or pressure. She stated that petitions filed by her under Section 125 Cr.P.C. as well as under the Protection of Women from Domestic Violence Act, 2005 have been withdrawn by her. Divorce by mutual consent has been granted by the learned District Judge (Family Court), Rohtak on 24.01.2017. Respondent No.2 has stated that she has no objection to the quashing of the abovesaid FIR qua all the accused-petitioners. Statement of petitioner No.1 and joint statement of petitioners No.2 to 4 in respect to the

settlement were recorded.

As per report dated 21.02.2017 received from the learned Judicial Magistrate First Class, Rohtak it is opined that the compromise arrived at between the parties is genuine. It has been arrived at between the parties out of their free will and volition without any coercion or undue influence. None of the petitioners are reported to be proclaimed offenders neither any such proceedings are pending against the parties. The statements of the parties have been appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties as well as the facts as narrated above. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State, on instructions from ASI Sajjan Kumar, submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of this FIR 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 continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in the futility.

This petition is, thus, allowed and FIR No.251 dated 27.06.2015, under Sections 498A/406/506/354/34 IPC, registered at Police Station Shivaji Colony, Rohtak alongwith all consequential proceedings are, hereby, quashed.

March 8 , 2017.
'om'

(**LISA GILL**)
JUDGE

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