

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

CRM No. M-12549 of 2016

Date of decision: 11.01.2017

Saurabh Mahindroo and others

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Rohit Rana, Advocate, for
Mr. Kunal Dawar, Advocate for the petitioner.

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

Mr. Ashok Kaushik, Advocate, 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. 308 dated 28.05.2015 (Annexure P-1) registered under Sections 498-A,406,506,120-B,313 of the Indian Penal Code (for short 'IPC') at Police Station Sector 7, District Faridabad and all other subsequent proceedings arising therefrom including challan dated 08.12.2015, under Sections 498-A,406,506,120-B IPC (Annexure P-2) on the basis of an amicable settlement (Annexure P-3) arrived at between the parties.

The above said FIR has been registered on the basis of a complaint submitted by Neha Sachdeva - respondent No. 2.

Due to the intervention of family members and respectables, the matter has been amicably resolved between between the parties. The terms of settlement were reduced into writing on 20.02.2016 (Annexure P-3).

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.

This FIR arises out of a matrimonial dispute between petitioner No.1 and respondent No.2, which has since been amicably resolved vide the abovementioned compromise/settlement. It is stated that petitioner No.1 and respondent No. 2 have been granted divorce by mutual consent and respondent No. 2 does not wish to pursue the present FIR against the petitioners any longer.

This Court on 05.12.2016 had directed the parties to appear before learned Illaqa Magistrate/trial court on 21.12.2016 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, without any coercion, fear or undue influence. Learned trial court was also directed to intimate whether any of the petitioners are proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 05.12.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Faridabad and their statements were recorded on 21.12.2016. Statement of respondent No.2- Neha Sachdeva was recorded to the effect that a compromise has been effected between her and all the accused-petitioners. The said compromise has been arrived at out of her own free will, without any fear or inducement. The settlement is in the interest of both parties. Divorce by mutual consent has also been granted. Further she

has no objection in case the FIR against all the accused-petitioners is quashed. Joint statement of the petitioners was also recorded.

As per report dated 23.12.2016 of the learned Judicial Magistrate 1st Class, Faridabad, it is noted that there were four accused in this FIR. Accused Vaibhav Mahindroo was found innocent. None of the petitioners are proclaimed offenders. The compromise was found to be genuine and voluntary entered into by the parties out of their own free will without any pressure, threat or coercion. Statements of the parties have been appended alongwith the report.

Learned counsel for respondent No.2. affirms the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR which arises out of a matrimonial dispute.

Learned counsel for the State, on instructions from ASI Ved Parkash, Police Station Sector 7, Faridabad submits that the State has no objection to this compromise and quashing of this FIR.

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. 308 dated 28.05.2015 (Annexure P-1) registered under Sections 498-A,406,506,120-B,313 of the Indian Penal Code (for short 'IPC') at Police Station Sector 7, District Faridabad along with all other subsequent proceedings arising therefrom including challan dated 08.12.2015, under Sections 498-A,406,506,120-B IPC are hereby quashed.

(LISA GILL)
JUDGE

11.01.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*