

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

Criminal Misc. No. M- 11623 of 2017(O&M)

Date of Decision: July 24 , 2017.

Rakesh Rana and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Johan Kumar, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

Mr. Rajpal Singh Chauhan, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.188 dated 08.04.2015 under Sections 498A/406 IPC registered at Police Station Sarai Khawaja, Faridabad, District Faridabad 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 behest of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables and relatives, the matter has been amicably resolved between the parties. The parties wish to live in peace and harmony and put an end to the acrimony between them.

It is submitted that a petition under Section 13B of the Hindu Marriage Act, 1955 has been filed, statements of the parties at motion were recorded on 06.03.2017 and the matter is now fixed for 07.09.2017 for recording of the statements at second motion.

This Court on 09.05.2017 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 petitioners 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 09.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Faridabad and their statements were recorded on 19.05.2017. Respondent No.2 – Jyoti stated that the matter has been amicably resolved with the accused-petitioners. Petition under Section 13B of the Hindu Marriage Act has been filed by her alongwith her husband. The said petition is stated to be listed for hearing on 07.09.2017 for recording of the statements of the parties at second motion. The settlement between the parties, it is submitted, is arrived at out of her own free will and she does not wish to proceed further against the accused-petitioners. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua all the petitioners. Statements of the petitioners in respect to the settlement was recorded as well.

As per report dated 30.05.2017 received from the learned Judicial

Magistrate First Class, Faridabad the compromise between the parties is opined to be genuine, arrived at out of their own sweet will without any threat, coercion or undue influence. None of the petitioners are noted to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners provided strict adherence to the terms and conditions of the compromise by the petitioners.

Learned counsel for the State 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 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. 188 dated 08.04.2015 under Sections 498A/406 IPC registered at Police Station Sarai Khawaja Faridabad, District Faridabad 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(s) or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

July 24 , 2017.
'om'

(LISA GILL)
JUDGE

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