

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

**CRM No. M-12063 of 2017
Date of decision: 30.05.2017**

Mahesh @ Mahesh Yadav and others

..... Petitioners.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Mukesh Rao, Advocate, for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Sanjeev Kumar Birla, 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. 242 dated 06.05.2015 (**Annexure P-1**) registered under Sections 323,498-A,506,406,34 of the Indian Penal Code (for short 'IPC') at Police Station Badshahpur, District Gurgaon and all other consequential proceedings arising therefrom on the basis of an amicable settlement arrived at between the parties.

The above said FIR was registered at the behest of respondent No. 2. The dispute arose between the parties because of matrimonial discord between petitioner No. 1 and respondent No.2.

With the intervention of respectables, elders and relatives, the matter has been amicably resolved between the parties. Petitioner No.1 and respondent No.2 have decided to part ways. The terms and conditions of the compromise were reduced into writing on 09.03.2017. The compromise is on record of this petition as Annexure P-3.

This Court on 07.04.2017 directed the parties to appear before the learned trial Court on 25.04.2017 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 directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them.

Pursuant to order dated 07.04.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Gurugram and their statements were recorded on 25.04.2017. Respondent No.2-Smt. Anjali Yadav stated that the matter has been amicably resolved. She as well as her husband have preferred a petition under Section 13-B of the Hindu Marriage Act. Their statements at first motion were recorded on 25.04.2017 itself in the said petition. Respondent No. 2 stated that the settlement has been arrived at out of her own free will, without any kind of pressure. Furthermore, she has no objection to the quashing of the above said FIR against the petitioners in view of the settlement. A joint statement of all the petitioners in respect to the settlement was recorded.

As per report dated 25.04.2017, submitted by the learned Judicial Magistrate 1st Class, Gurugram, it is opined that the compromise between the parties is genuine, voluntary, arrived at without any coercion or undue influence. None of the petitioners are proclaimed offenders.

Learned counsel for the complainant/respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of the above said FIR

against the petitioners provided that they adhere to the terms and conditions of the settlement arrived at between the parties, specifically tender the rest of the amount i.e. ₹ 6 lakhs due to respondent No. 2, at the time of recording of their statements at second motion in the petition under Section 13- B of the Hindu Marriage Act.

Learned counsel for the State on instructions from ASI Munesh , Police Station Badshahpur, Gurugram submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement 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.

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 continuance of the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 242 dated 06.05.2015 registered under Sections 323,498-A,506,406,34 of the IPC at Police Station Badshahpur, Gurugram alongwith all consequential proceedings arising

therefrom 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 petitioners or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

(LISA GILL)
JUDGE

30.05.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*