

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

Criminal Misc. M- No. 16161 of 2012 (O&M)

Date of decision : August 10, 2017

Vinay Kumar Yadav

.....Petitioner

Versus

State of Haryana and another

....Respondents

Criminal Misc. M- No. 37685 of 2011 (O&M)

Bharat Singh and another

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. H.S. Deol, Advocate for
Mr. Mansur Ali, Advocate
for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana.

None for respondent No.2.

LISA GILL, J.

This order shall dispose of two petitions i.e. Criminal Misc. M- Nos. 16161 of 2012 and 37685 of 2011. The facts are extracted from Criminal Misc. M- Nos. 16161 of 2012 for the sake of convenience.

Prayer in both these petitions is for quashing of FIR No. 32 dated 12.03.2011 under Sections 498A, 406, 323, 313, 506, 34 IPC registered at Police Station Sector 55-56, Gurgaon and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The petitioner – Vinay Kumar Yadav is the husband of the

complainant – respondent No. 2. Petitioners – Bharat Singh and Asha (in CRM-M No. 37685 of 2011) are the parents-in-law of the complainant. The above said petitions were initially filed for quashing of the abovesaid FIR on the merits of the case. However, during the pendency of these petitions, the matter has been amicably resolved between the parties before the Mediation and Conciliation Centre of this Court on 17.07.2017. The settlement/agreement dated 17.07.2017 is available on the file of CRM-M No. 37685 of 2011. It is informed that divorce between the parties was granted in June, 2012 in Australia. Both the complainant and her husband have agreed to accept the same without demure. It is further agreed that a sum of Rs. 6 lakhs shall be handed over to respondent No. 2 towards full and final settlement of all her claims – past, present and future against her husband and in-laws.

This Court on 19.07.2017 directed the parties to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Liberty was afforded to respondent No. 2 as well as the petitioner – Vinay Kumar Yadav for recording of their statements through their special power of attorney holders. Tejpal Yadav – father of the complainant is the special power of attorney holder of respondent No. 2 whereas Vani Yadav – sister of Vinay Kumar Yadav is the special power of attorney holder of Vinay Kumar Yadav - petitioner.

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 19.07.2017, the parties appeared before the learned Judicial Magistrate First Class, Gurugram and their statements were recorded on 24.07.2017. Tejapal Yadav, father and special power of attorney holder of the complainant-respondent No.2 stated that the matter has been amicably resolved between the parties. There is no objection whatsoever to the quashing of the abovesaid FIR against all the accused petitioners. He has admitted the receipt of the demand draft for a sum of Rs. 6 lakhs pursuant to agreement dated 17.07.2017. Statements of the petitioners – Bharat Singh, Asha and Vinay Kumar Yadav through his special power of attorney holder - Vani Yadav were recorded as well.

As per report dated 02.08.2017 received from the learned Judicial Magistrate First Class, Gurugram, it is opined that the settlement between the parties is genuine and arrived at, out of the free will of the parties. None of the accused petitioners are reported to be proclaimed offenders. It is to be noted that the accused – Vani Yadav, Sapna, Navneet and S.K. Yadav were found innocent during investigation. Statements of the parties are appended alongwith the said report.

Mr. Rahul Vats, Advocate appeared on behalf of respondent No. 2 affirmed and verified the factum of settlement between the parties on 19.07.2017.

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 on the basis of the subsequent settlement arrived at between the parties. FIR No. 32 dated 12.03.2011 under Sections 498A, 406, 323, 313, 506, 34 IPC registered at Police Station Sector 55-56, Gurgaon alongwith all consequential proceedings are, hereby, quashed.

August 10, 2017
rts

(Lisa Gill)
Judge

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