

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

CRM-M-12151 of 2017 (O&M)

Date of Decision:20.12.2017

Shashi Kumar Phulia and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajesh Dhankhar, Advocate
for Mr.A.K.Sherawat, Advocate
for the petitioners.

Mr. Ramesh Kumar, AAG, Haryana.

Mr. Rahul Makkar, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.10 dated 16.01.2015, under Sections 406, 498-A, 323, 506, 34 IPC, registered at Police Station Old Subji Mandi, Rohtak, District Rohtak, along with all other consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

It is submitted that the above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband-petitioner no.1. The matter was amicably resolved with the intervention of elders and respectables. Terms and conditions of the settlement were reduced into writing on 01.04.2017 (Annexure P-2).

Learned counsel for the petitioners submit that petitioner no.1 and respondent no.2 have since parted ways. The entire settled

amount has been handed over to respondent no.2 and petition under Section 13-B of the Hindu Marriage Act, 1955 has since been allowed. Therefore, it is prayed that this petition be allowed.

This Court on 23.05.2017 directed the parties to appear before the learned trial court for recording of 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 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 23.05.2017, the parties appeared before the learned Civil Judge (Jr. Division)-cum-Judicial Magistrate Ist Class, Rohtak, and their statements were recorded on 01.06.2017. Respondent No.2 stated that she has amicably resolved the dispute with all the accused-petitioners out of her own free will, without any fear, pressure or coercion. Respondent no.2 further stated that she has no objection whatsoever to the quashing of the abovesaid FIR against all the petitioners. Statements of the petitioners in respect to the settlement were recorded. Joint statement of all the petitioners in respect to the settlement recorded.

As per report dated 14.06.2017, received from the learned Civil Judge (Jr. Division)-cum-Judicial Magistrate Ist Class, Rohtak, satisfaction is expressed that the compromise between the

parties is genuine, arrived at out of the free will of the parties, without any pressure or undue influence. None of the petitioners is reported to be a proclaimed offender.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioners in view of the settlement between the parties.

Learned counsel for the State has not raised any serious 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 above-said 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.10 dated 16.01.2015, under Sections 406, 498-A, 323, 506, 34 IPC, registered at Police Station Old Subji Mandi, Rohtak, District Rohtak, along with all consequential proceedings are, hereby, quashed.

20.12.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.