

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

CRM-M-12722 of 2017 (O&M)

Date of Decision:30.11.2017

Surinder Singh and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Namit Khurana, Advocate
for the petitioners.

Mr.Anmol Malik, AAG, Haryana.

Mr. Manoj Taya, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No. 240 dated 17.09.2014, under Sections 406, 498-A, 506 IPC, registered at Police Station Bilaspur, Yamuna Nagar, along with all other consequential proceedings arising therefrom on the basis of compromise/ settlement (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. The terms and conditions of settlement/agreement were reduced into writing on 15.03.2017 (Annexure P-2). Petition under Section 13-B of the Hindu Marriage Act, 1955, it is submitted has been filed by

petitioner no.1 and respondent no.2. Their statements at first motion have been recorded. Part of the settled amount has been received by respondent no.2. Petitioner no.1 undertakes to handover the rest of the settled amount to respondent no.2 at the time of recording of their statements at second motion. Therefore, it is prayed that this petition be allowed.

This Court on 31.05.2017 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 31.05.2017, the parties appeared before the learned Sub-Divisional Judicial Magistrate, Bilaspur (Yamuna Nagar) and their statements were recorded on 05.07.2017. Respondent No.2 stated that she has entered into a compromise with the accused-petitioners out of her own free will, without any kind of pressure or coercion. It is stated that petition under Section 13- B of the Hindu Marriage Act, 1955 has been filed. Respondent no.2 stated that she has no objection to the quashing of the aforementioned FIR against all the accused-petitioners. Statement of the petitioners recorded.

As per report dated 10.07.2017, received from the learned Sub-Divisional Judicial Magistrate, Bilaspur (Yamuna Nagar), satisfaction is expressed that the compromise between the parties is genuine, arrived at out of the free will of the parties, without any pressure. None of the petitioners are reported to be proclaimed offenders.

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 petitioner 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. 240 dated 17.09.2014, under Sections 406, 498-A, 506 IPC, registered at Police Station Bilaspur, Yamuna Nagar, along with 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.

30.11.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.