

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

Criminal Misc. No. M- 12729 of 2017(O&M)

Date of Decision: November 16 , 2017.

Ankit Gupta and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Payel Mehta, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Sanjay Jain, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.71 dated 29.10.2016 under Sections 323/406/498A/506 IPC (the offences punishable under Sections 377/180 IPC added subsequently), registered at Police Station Women, Panchkula 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 instance of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. The dispute between the parties has been amicably resolved before the Mediation and Conciliation Centre of this Court, the terms of which were reduced into writing

on 27.03.2017 (Annexure P2). Petitioner No.1 and respondent No.2 decided to part ways.

It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 has been allowed on 11.10.2017. A sum of ₹10,00,000/- out of the total settled amount of ₹15,00,000/- has already been handed over to respondent No.2.

Respondent No.2, duly identified by her counsel, is present in Court today. A demand draft bearing No.349031 dated 15.11.2017 for ₹5,00,000/- drawn on State Bank of India, Sector 34A, Chandigarh in favour of respondent No.2 has been handed over to her.

This Court on 12.07.2017 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 12.07.2017 the parties appeared before the learned Additional Chief Judicial Magistrate, Panchkula and their statements were recorded on 31.07.2017. Respondent No.2 stated that the matter has been amicably settled by her with all the accused-persons before the Mediation and Conciliation Centre of this Court. Copy of the settlement/agreement dated

27.03.2017 was produced as Ex.C1. Her affidavit is Ex.C2. Respondent No.2 stated that the settlement has been arrived at out of her free will, without any threat, coercion or undue pressure. It is stated that she has no objection in case the abovesaid FIR against the accused petitioners is quashed. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 31.07.2017 received from the learned Additional Chief Judicial Magistrate, Panchkula, it is opined that the compromise between the parties is genuine and valid, arrived at out of the free will of the parties without any undue influence or pressure from any quarter. None of the petitioners are reported 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 subject to honouring of aforesaid demand draft dated 15.11.2017.

Learned counsel for the State, on instructions from SI Sunit Poonia, submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no objection to the quashing of the FIR in question as well as all consequential proceedings 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.71 dated 29.10.2016 under Sections 323/406/498A/506 IPC (the offences punishable under Sections 377/180 IPC added subsequently), registered at Police Station Women, Panchkula alongwith all consequential proceedings are, hereby, quashed.

(LISA GILL)
JUDGE

November 16 , 2017.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No