

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

Criminal Misc. No. M-13223 of 2017 (O&M)

Date of decision : September 20, 2017

Sunil Kumar and another

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Deepak Bishnoi, Advocate for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Deepak Vashisth, Advocate for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 381 dated 03.09.2014 under Sections 498A, 323, 341, 06, 34 IPC registered at Police Station Bhuna, District Fatehabad and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties on 06.02.2017.

The abovesaid FIR was registered at the behest of respondent No.2 due to matrimonial discord with her husband i.e., petitioner No.1. With the intervention of respectables and relatives, a compromise has been arrived at between the parties. The present petition has been filed on the basis of this compromise.

It is informed that a petition under Section 13B of Hindu Marriage Act, 1955 has been filed. Statements of the parties at first motion have been recorded. Nothing remains due towards respondent No. 2 from

the petitioners.

This Court on 09.05.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate 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/Illaqa Magistrate 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 09.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Fatehabad their statements were recorded on 19.05.2017. A joint statement of the complainant as well as the petitioners in respect to the settlement was recorded. It is stated that the matter has been amicably resolved between them. Compromise has been arrived at out of free will and volition, without any pressure or coercion. Compromise (Ex. CX) was produced before the learned Judicial Magistrate First Class, Fatehabad. As per the settlement, it is agreed that the above said FIR against both the petitioners be quashed and respondent Nos. 2 has no objection to the same.

As per report dated 14.06.2017 received from the learned Judicial Magistrate First Class, Fatehabad, it is opined that the compromise between the parties is genuine, arrived at voluntarily, without any pressure. None of the petitioners are reported to be a proclaimed offender. Joint statement of the parties is 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.

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 and FIR No. 381 dated 03.09.2014 under Sections 498A, 323, 341, 06, 34 IPC registered at Police Station Bhuna, District Fatehabad alongwith 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.

September 20, 2017
rts

(Lisa Gill)
Judge

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