

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

Criminal Misc. No.M- 14283 of 2017 (O&M)

Date of decision : September 26, 2017

Amardeep Singh and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Dishant Rishi, Advocate for
Mr. Amit Goyal, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Gunjeet Brar, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 332 dated 26.09.2013 under Sections 504, 506, 498A, 406, 34, 120B IPC registered at Police Station City Dabwali, District Sirsa 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. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 30.03.2017 (Annexure P-2). The present petition has been filed on the basis of this compromise.

It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 (for short – 'the Act') has been filed by respondent No. 2 and her husband – petitioner No. 1. A sum of ₹10 lakhs has been handed over to respondent No. 2 at the time of recording of their statements at first motion in petition under Section 13B of the Act. Rest of the settled amount of ₹10 lakhs has been handed over to Sh. Darshan Singh son of Sh. Gurbachan Singh and shall be remitted to respondent No. 2 at the time of recording of statements at second motion in the petition under Sections 13B of the Act.

This Court on 01.06.2017 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 01.06.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Dabwali and their statements were recorded on 31.07.2017. Respondent No.2 stated that she has amicably resolved the matter with all the accused persons. The settlement has been arrived at out of her own free will, without any kind of pressure. It is stated that the petition under Section 13B of the Act has been filed. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the petitioners as she does not wish to proceed with

the matter any longer. A joint statement of the petitioners in respect to the compromise was also recorded.

As per report dated 03.08.2017 received from the learned Sub Divisional Judicial Magistrate, Dabwali, it is opined that the compromise between the parties is genuine, arrived at voluntary, without any fear or force. None of the petitioners is reported to be a proclaimed offender. 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 provided strict adherence to the terms and conditions of the settlement by 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. 332 dated 26.09.2013 under Sections 504, 506, 498A, 406, 34, 120B IPC registered at Police Station City Dabwali, District Sirsa 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 26, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No