

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

**CRM No. M-15387 of 2016
Date of decision: 16.03.2017**

Sachin Verma and another

..... Petitioner.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. J.S Thind, Advocate, for the petitioners.

Mr. Ramesh Kumar, AAG, Haryana.

Ms. Meenakshi Poswal, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 283 dated 01.11.2012 (**Annexure P-1**) registered under Sections 498-A, 323, 406, 506, 34 of the Indian Penal Code (for short 'IPC') at Police Station Sarai Khawaja District Faridabad and all other consequential proceedings arising therefrom on the basis of an amicable settlement dated 21.03.2016 (**Annexure P-2**) arrived at between the parties before the Mediation and Conciliation Centre of this Court

The above said FIR was registered at the behest of respondent No. 2-Smt. Richa Verma. The dispute arose between the parties because of matrimonial discord between petitioner No. 1- Sachin Verma and respondent No.2 – Richa Verma.

The matter was amicably resolved between the parties before the Mediation and Conciliation Centre of this Court. The terms and conditions of settlement were reduced into writing on 21.03.2016

(Annexure P-2). It is informed that a petition under under Section 13- B of the Hindu Marriage Act, 1955 preferred by petitioner No.1 and respondent No. 2 has since been allowed on 03.12.2016. There were three accused in this case but only two of them i.e. the present petitioners were proceeded against. The co-accused namely, Mahender Kumar Verma was found innocent during investigation.

This Court on 06.09.2016 directed the parties to appear before the learned Illaqa Magistrate/trial Court on 17.10.2016 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 Illaqa Magistrate/trial court was directed to intimate whether the petitioners are proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 06.09.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Faridabad and their statements were recorded on 17.10.2016. Respondent No.2-Smt. Richa Verma has stated that the matter has been amicably resolved. The settlement has been arrived at out of her own free will, without any kind of pressure or inducement. She thus has no objection to the quashing of the aforementioned FIR against both the accused-petitioners. Statements of both the petitioners in respect to the settlement was recorded.

As per report dated 17.10.2016, submitted by the learned Judicial Magistrate 1st Class, Faridabad it is opined that the compromise between the

parties is genuine. It has been arrived at voluntarily, without any kind of threat or pressure from either side. None of the petitioners are proclaimed offenders.

Learned counsel for the complainant/respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection, whatsoever, to the quashing of the above mentioned FIR qua both the petitioners.

Learned counsel for the State on instructions from HC Kuldeep Singh submits that the present being a matrimonial dispute, the State has no objection to the quashing of this FIR on the basis of a settlement 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.

In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 283 dated 01.11.2012 (Annexure P-1) registered under Sections 498-A, 323, 406, 506, 34 of the IPC at Police Station Sarai Khawaja District Faridabad alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

16.03.2017

PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*