

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

Criminal Misc. M- No. 15276 of 2017 (O&M)

Date of decision : August 10, 2017

Narender Pal Dhingra and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ashish Chaudhary, Advocate
for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana.

Mr. Anshuman Dalal, Advocate
for respondents No. 2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 73 dated 13.02.2013 under Sections 498A, 406, 323, 506, 34 IPC registered at Police Station Civil Lines, District Rohtak 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 behest of respondent No.3 – father of respondent No.2. The FIR stems from matrimonial discord between petitioner No. 4 and respondent No. 2. With the intervention of respectables and relatives, a compromise has been arrived at between the parties, the terms of which were reduced into writing on 21.04.2017 (Annexure P-2). The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on

the basis of this compromise.

This Court on 03.05.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at voluntarily, without any coercion or undue influence. Learned Illaqa Magistrate was also directed to intimate whether any of the accused are proclaimed offenders. Information was sought regarding number of persons arrayed as accused.

Pursuant to order dated 03.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Rohtak and their statements were recorded on 17.05.2017. Respondent No.2 - the wife of petitioner No. 4 specifically stated that the matter has been amicably resolved with all the accused petitioners. A petition under Section 13B of Hindu Marriage Act has been filed and she has received a sum of ₹10 lakhs out of total settled amount of ₹15 lakhs. Respondent No. 2 further stated that the compromise has been arrived at out of her own free will and she has no objection to the quashing of the abovesaid FIR qua the accused petitioners. Statement of respondent No. 3 – complainant was also recorded to the same effect. Joint statement of the petitioners in respect to the compromise was recorded as well.

As per report dated 26.05.2017 received from the learned Civil Judge (Junior Division)-cum-Judicial Magistrate First Class, Rohtak, it is opined that the compromise between the parties is genuine, arrived at voluntarily, without any coercion or undue influence. None of the accused petitioners is stated to be a proclaimed offender. Statements of the parties

are appended alongwith the said report.

Learned counsel for respondents No.2 and 3 affirms and verifies the factum of settlement between the parties. It is reiterated that respondents No. 2 and 3 have no objection to the quashing of the abovementioned FIR against all the petitioners provided the petitioners adhere to the terms and conditions of the settlement.

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. 73 dated 13.02.2013

under Sections 498A, 406, 323, 506, 34 IPC registered at Police Station Civil Lines, District Rohtak alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondents No. 2 and 3 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.

August 10, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No