

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

Criminal Misc. No. M- 16480 of 2017(O&M)

Date of Decision: November 30 , 2017.

Akant Malhotra PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rahul Deswal, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.386 dated 01.06.2015 under Sections 406/323/498A/506 IPC, registered at Police Station Karnal Civil Lines, District Karnal 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., the petitioner. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 01.05.2017 (Annexure P2). The parties decided to part ways.

Learned counsel for the petitioner informs that petition under

Section 13B of the Hindu Marriage Act, 1955 filed by the petitioner and respondent No.2 has since been allowed on 26.10.2017. The entire settled amount has been handed over by the petitioner to respondent No.2.

This Court on 23.05.2017 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 the petitioner is absconding/proclaimed offender and whether any other case is pending against him. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 23.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Karnal and their statements were recorded on 15.07.2017. Respondent No.2 stated that she has compromised the matter with the petitioner out of her own free will, without any kind of pressure or coercion. It is further submitted by respondent No.2 that she no longer wishes to continue with the present proceedings and she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 18.07.2017 received from the learned Judicial Magistrate First Class, Karnal, it is opined that compromise between the parties is genuine, arrived at out their free will without any pressure or undue influence. The petitioner, who is the sole accused in this case, is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said

report.

Mr. Sunil Rana, Advocate had appeared on behalf of respondent No.2 before this Court on 23.05.2017 and affirmed and verified the factum of settlement between the parties.

Learned counsel for the State, on instructions from HC Ram Niwas, 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. 386 dated 01.06.2015 under Sections 406/323/498A/506 IPC, registered at Police Station Karnal Civil

Lines, District Karnal alongwith all consequential proceedings are, hereby,
quashed.

November 30 , 2017.
'om'

(LISA GILL)
JUDGE

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