

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

Criminal Misc. No.M- 16736 of 2017 (O&M)

Date of decision : November 10, 2017

Prashant Nath Sharma and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Prabhjot Singh, Advocate and
Ms. Khushbir Kaur Bhullar, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Rajiv Kumar Saini, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.316 dated 08.08.2016 under Sections 323, 34, 406, 498A, 506 IPC registered at Police Station Old Faridabad Police Station, District Faridabad 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 has been arrived at between the parties, the terms of which were reduced into writing on 05.04.2017 (Annexure P-5). The present petition has been filed on the basis of this compromise.

It is informed that petition under Section 13B of Hindu

Marriage Act, 1955 ('the Act' – for short) has since been allowed on 12.10.2017. The entire settled amount has been received by respondent No. 2 and there is no impediment to the quashing of the abovesaid FIR.

This Court on 29.08.2017 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 29.08.2017, the parties appeared before the learned Judicial Magistrate First Class, Faridabad and their statements were recorded on 12.10.2017. A joint statement of all the petitioners as well as the complainant was recorded by the learned Judicial Magistrate First Class, Faridabad. It is stated that the matter has been amicably resolved between the parties, out of their own free will, without any force, fear, coercion etc. Petition under Section 13B of the Act is stated to have been filed. The statements of the parties at the first motion were recorded on 07.04.2017 and a sum of ₹12 lakhs was handed over to respondent No. 2 at that stage. Thereafter, the remaining amount of ₹23 lakhs was received by her on 12.10.2017. It is stated that respondent No.2 has no objection to the quashing of the abovesaid FIR qua the petitioners.

As per report dated 12.10.2017 received from the learned Judicial Magistrate First Class, Faridabad, the settlement between the

parties is opined to be genuine, arrived at out of their own free will, without any threat, pressure, undue influence or fraud. 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.

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.316 dated 08.08.2016 under Sections 323, 34, 406, 498A, 506 IPC registered at Police Station Old Faridabad Police Station, District Faridabad alongwith all consequential proceedings are, hereby, quashed.

November 10, 2017

(Lisa Gill)
Judge

rts

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No