

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

Criminal Misc. No. M- 16737 of 2017(O&M)

Date of Decision: July 18 , 2017.

Abhinav Kant Bhatnagar PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. M.S.Saini, Advocate for
Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Rose Gupta, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.111 dated 02.03.2016 under Sections 498A/323/406/506/34 IPC registered at Police Station Civil Line Hisar District Hisar 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.2 due to matrimonial discord with her husband i.e., the petitioner. The matter has been settled between the parties before the Mediation and Conciliation Centre of this Court, the terms and conditions of which were reduced into writing on 24.10.2016. The copy of settlement dated 24.10.2016 arrived at between the

parties is on the file of this case (Annexure P2). The parties wish to live in peace and harmony and put an end to the acrimony between them. The petitioner and respondent No.2 have decided to part ways.

This Court on 12.05.2017 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 out of the free will and volition of the parties without any coercion, fear or undue influence. Learned Illaqa Magistrate 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 12.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Hisar and their statements were recorded on 18.05.2017. Respondent No.2 stated that the settlement has been arrived at out of her own free will without any kind of pressure or undue influence. It is stated that she has no objection to the quashing of the abovesaid FIR qua the petitioner. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 15.07.2017 received from the learned Judicial Magistrate First Class, Hisar the compromise between the parties is opined to be genuine without any kind of pressure or undue influence. The petitioner is not a proclaimed offender. The statements of the parties are appended alongwith the said report.

Learned counsel for the parties inform that the petition under

Section 13B of the Hindu Marriage Act, 1955 preferred by the petitioner and respondent No.2 has since been allowed on 18.05.2017.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is submitted that the entire settled amount due towards respondent No.2 has been received by her. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against all 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.111 dated 02.03.2016

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

July 18 , 2017.
'om'

(LISA GILL)
JUDGE

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