

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

Criminal Misc. No. M- 16907 of 2017(O&M)

Date of Decision: September 19 , 2017.

Vikram Shokeen and another PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Pardeep Goyal, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Abhishek Goyal, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.543 dated 05.11.2011 under Sections 498A/406/506/494/34 IPC registered at Police Station Sector 7, 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. The co-accused in this case i.e., the parents-in-law of respondent No.2, were acquitted of the charges against them by the learned trial court. Appeal preferred by the complainant/respondent No.2 against the said decision has since been

withdrawn by her on 27.02.2017 in view of the compromise arrived at between the parties. Look-out notice, it is submitted, was issued qua both the petitioners as they were in Australia.

With the intervention of respectables and relatives, a compromise was arrived at between the parties. It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 (for short, the 'HMA') filed by petitioner No.1 and respondent No.2 has since been allowed on 28.08.2017. The entire settled amount has been handed over to respondent No.2. Photocopy of judgment and decree dated 28.08.2017 passed by the learned Principal Judge, Family Court, Faridabad, produced in Court today, is taken on record subject to just exceptions.

This Court on 14.07.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Liberty was afforded to petitioner No.2 to have his statement recorded in respect to the settlement through Surender Singh Shokeen his power of attorney holder i.e., his father. 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 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 14.07.2017, the parties appeared before the

learned Judicial Magistrate First Class, Faridabad and their statements were recorded on 28.08.2017. Respondent No.2 stated that with the intervention of respectable persons of society, she has compromised the matter with the accused persons out of her own free will without any fear or pressure. The terms and conditions of the settlement were reduced into writing on 27.02.2017. The settlement has been arrived at without any coercion, inducement or threat from any quarter. Mention has been made regarding filing of petition under Section 13B HMA. It is further stated that she received a part of the settled amount in terms of the settlement and rest of the amount would be received by her at the time of recording of statements of the parties at second motion in the abovesaid petition. She further reveals that appeal preferred by her against acquittal of her parents-in-law has since been withdrawn by her. Respondent No.2 further stated that she has no objection in case the abovesaid FIR is quashed against both the accused petitioners. Joint statement of petitioner No.1 as well as petitioner No.2 (through his power of attorney i.e. his father) in respect to the settlement were recorded as well.

As per report dated 28.08.2017 received from the learned Judicial Magistrate First Class, Faridabad, it is opined that compromise between the parties is genuine and valid, arrived at between them voluntarily without any coercion or undue influence. It is mentioned that there are four accused in this case including the present petitioners. The co-accused i.e., parents-in-law of the complainant, namely, Surender Singh Shokeen and Smt. Vedwati were acquitted of the charges vide judgment dated 15.10.2015. None of the petitioners are reported to be proclaimed offenders. 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 including receipt of the entire settled amount. It is reiterated that respondent No.2 has no objection to the quashing of the abovementioned FIR against 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 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.543 dated 05.11.2011

under Sections 498A/406/506/494/34 IPC registered at Police Station Sector 7, Faridabad alongwith all consequential proceedings including look-out notice issued against both the petitioners are, hereby, quashed.

September 19 , 2017.
'om'

(**LISA GILL**)
JUDGE

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