

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

Criminal Misc. M- No. 17414 of 2017 (O&M)

Date of decision : August 08, 2017

Shashi Verma @ Neelu Verma and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Manbir Singh Batth, Advocate
for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 69 dated 08.02.2010 registered under Sections 406, 498A, 120B, 379, 506 IPC at Police Station Samalkha, District Panipat 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. petitioner No.3. 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 28.04.2017. 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 17.05.2017 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 and the number of accused persons involved in this case. Learned trial court was also directed to intimate whether any of the petitioners are proclaimed offenders or not.

Pursuant to order dated 17.05.2017, the parties appeared before the learned Sub Divisional Judicial Magistrate, Samalkha and their statements were recorded on 26.05.2017. Respondent No.2 stated that the matter has been compromised with all the petitioners in an amicable manner with the intervention of respectables. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR against all the petitioners. Statements of the petitioners in respect to the settlement were also recorded.

As per report dated 03.07.2017 received from the learned Sub Divisional Judicial Magistrate, Smalkha (Panipat), it is mentioned that the compromise between the parties is genuine, arrived at voluntarily, out of their own free will. None of the three accused petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for the petitioners submits that petition under Section 13B of the Hindu Marriage Act, 1955 has been filed. Statements of the parties at first motion have been recorded. Learned counsel for the petitioners submits that the petitioners shall strictly adhere to the terms and conditions of the settlement arrived at between the parties.

Mr. Rahul Arora, Advocate had appeared on behalf of respondent No. 2 and in his presence the parties were directed to appear

before the learned trial Court for recording their statements.

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. 69 dated 08.02.2010 registered under Sections 406, 498A, 120B, 379, 506 IPC at Police Station Samalkha, District Panipat alongwith all consequential proceedings are, hereby, quashed.

However, liberty is afforded to respondent No.2 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 08, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No