

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

Criminal Misc. No. M- 1782 of 2017(O&M)

Date of Decision: July 14 , 2017.

Ajay Rohilla and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Narender Kaur, Advocate
for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

None for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.3 dated 04.09.2015 under Sections 498A/406/323 IPC registered at Police Station Women Cell, Ambala Cantt and all other consequential proceedings arising therefrom on the basis of compromise dated 01.12.2016 (Annexure P2) 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.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 01.12.2016.

The parties wish to live in peace and harmony and put an end to the acrimony

between them.

This Court on 15.03.2017 directed the parties to appear before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/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 trial court/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 15.03.2017, the parties appeared before the learned Judicial Magistrate First Class, Ambala and their statements were recorded on 12.05.2017. Respondent No.2 stated that the matter has been amicably resolved with the accused petitioners. Settlement has been arrived at out of her own free will without any kind of pressure or coercion. Respondent No.2 further stated that she does not wish to proceed further with the case arising out of the abovesaid FIR and she has no objection to the quashing of the abovesaid FIR qua the petitioners. Statements of the petitioners in respect to the settlement were recorded as well.

It is to be noted that respondent No.2 – Smt. Hema Verma appeared before this Court in-person on 15.03.2017. She reaffirmed the factum of settlement between the parties. It was informed that petition under Section 13B of the Hindu Marriage Act, 1955 has been preferred by her and petitioner No.1.

The matter was stated to be fixed for recording of their statements at second

motion on 10.07.2017.

As per report dated 12.05.2017 received from the learned Judicial Magistrate First Class, Ambala it is opined that settlement between the parties is genuine and voluntary, arrived at out of their own free will without any coercion or undue influence. None of the petitioners are proclaimed offenders. The statements of the parties are appended alongwith the said report.

Learned counsel for petitioners submits that the entire settled amount has been handed over to respondent No.2 therefore, there is no impediment in the quashing of the abovesaid 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.3 dated 04.09.2015 under Sections 498A/406/323 IPC registered at Police Station Women Cell, Ambala Cantt 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.

July 14 , 2017.
'om'

(LISA GILL)
JUDGE

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