

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

Criminal Misc. No. M- 18376 of 2017(O&M)

Date of Decision: August 4 , 2017.

Ranjana Kakkar and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Jasraj Singh, Advocate
for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana.

Mr. Shobit Phutela, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.506 dated 25.08.2016 under Sections 498A/406/323 IPC registered at Police Station Palam Vihar, District Gurgaon 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.2. With the intervention of respectables and relatives, a compromise was arrived at between the parties, the terms of which were reduced into writing on 30.08.2016. The parties wish to live in peace and harmony and put an end to the acrimony

between them. The parties have decided to part ways.

It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by petitioner No.2 and respondent No.2 has since been allowed on 15.07.2017.

This Court on 22.05.2017 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 22.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Gurgaon and their statements were recorded on 03.07.2017. Respondent No.2 stated that the compromise has been arrived at with all the accused petitioners out of her own free will, without any pressure or undue influence. It is further stated that she has no objection in case the abovesaid FIR is quashed qua all the petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 03.07.2017 received from the learned Judicial Magistrate First Class, Gurgaon it is opined that the compromise between the parties is genuine, arrived at out of the free will of the parties without any force or pressure. None of the petitioners is reported to be a proclaimed offender.

Photocopies of the 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 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. 506 dated 25.08.2016 under Sections 498A/406/323 IPC registered at Police Station Palam Vihar,

District Gurgaon alongwith all consequential proceedings are, hereby, quashed.

August 4 , 2017.
'om'

(LISA GILL)
JUDGE

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