

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

Crl. Misc. No. M-18830 of 2017

Date of Decision : September 18, 2017

Suresh Kumar Petitioner

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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Present: Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Lajpat Sharma, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

Prayer in this petition is for quashing of FIR No.229 dated 20.03.2014 under Sections 498-A, 406, 323, 506, 34 IPC registered at Police Station City Hisar, and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The above-said FIR was registered at the instance of respondent No.2 due to matrimonial discord with her husband i.e. the petitioner. The matter was amicably resolved between the parties as is reiterated in the statements of the parties recorded before the learned

District Judge, Family Court, Hisar on 15.02.2017.

This Court on 24.05.2017 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, 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 was also directed to intimate whether the petitioner is an 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 24.05.2017, the parties appeared before the learned Chief Judicial Magistrate, Hisar and their statements were recorded on 07.06.2017. Respondent No.2 stated that the matter has been compromised with the petitioner and petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed. It is further stated that respondent No.2 has no objection whatsoever to the quashing of the above said FIR against the accused-petitioner and she was recording the statement in her full senses, without any kind of pressure. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 08.06.2017 received from the learned Chief Judicial Magistrate, Hisar, it is opined that the compromise is voluntary, without any pressure or undue influence. The petitioner is not reported to be a proclaimed offender. Statements of the parties are appended along with the said report.

Learned counsel for the petitioner submits that petition under Section 13-B of the Hindu Marriage Act, 1955 is pending for tomorrow i.e.

19.09.2017 for recording of statements of the parties at second motion. Balance of the settled amount shall be handed over to respondent No.2 tomorrow itself. The petitioner undertakes to adhere to the terms and conditions of the settlement arrived at between the parties.

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 above-mentioned FIR provided the petitioner adheres to the terms and conditions of the settlement.

Learned counsel for the State submits that as the above-said 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 above-said 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. 229 dated 20.03.2014 under Sections 498-A, 406, 323, 506, 34 IPC registered at Police Station City Hisar, along with all consequential proceedings is, 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 or it is found that the settlement was a mere ruse to have the aforesaid FIR quashed.

18.09.2017
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(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether Reportable: : Yes / No