

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

CRM No. M-20438 of 2016

Date of decision: 01.02.2017

Atul Mattoo

..... Petitioner.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Pawan Singh, Advocate for the petitioner.

Mr. Ramesh Kumar, Assistant Advocate General, Haryana

Mr. Arun K. Kaundal, Advocate, for respondent No.2.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 289 dated 11.10.2014 (Annexure P-1) registered under Sections 323,406, 498-A and 506 of the Indian Penal Code (for short 'IPC') at Police Station Sector 55/56, District Gurgaon and all other consequential proceedings arising therefrom on the basis of an amicable settlement (Annexure P-4) arrived at between the parties.

The above said FIR has been registered on the complaint of Smt. Puja Joshi - respondent No. 2.

Due to the intervention of respectables, a compromise has been arrived at between the parties. The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

This Court on 28.11.2016 had directed the parties to appear before learned Illaqa Magistrate/trial court on 19.12.2016 for getting their statements recorded in respect to the above-mentioned compromise.

Learned Illaqa Magistrate/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 directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him. Information was also sought as to whether all affected persons are party to the settlement.

Pursuant to order dated 28.11.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Gurgaon and their statements were recorded on 19.12.2016. Statement of respondent No.2- Smt. Puja Joshi was recorded to the effect that she has settled the matter with the petitioner amicably. She has further stated that divorce by mutual consent has been granted on 16.11.2016. She no longer has any dispute in this regard and has no objection if the present FIR is quashed. Statement of the petitioner was also recorded.

As per report dated 20.12.2016 of the learned Judicial Magistrate 1st Class, Gurgaon it is noted that the compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence. Accused/petitioner is not absconding and neither is a proclaimed offender. There were three accused in this case but only the present petitioner was proceeded against, the other two having been found innocent during investigation. Statements of the parties have been appended alongwith the report.

Learned counsel for the complainant-respondent No.2 affirms and verifies the factum of settlement between the parties. It is stated that respondent No. 2 has no objection to the quashing of above mentioned FIR.

Learned counsel for the State, on instructions from ASI Vinod Kumar submits that the present being a matrimonial dispute the State has no objection to the quashing of this FIR on the basis of the settlement 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”.

In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 289 dated 11.10.2014 (Annexure P-1) registered under Sections 323,406,498-A and 506 IPC at Police Station Sector-55/56, District Gurgaon alongwith all consequential proceedings are hereby quashed.

01.02.2017

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(LISA GILL)
JUDGE

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