

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

**Criminal Misc. No. M- 19809 of 2017 (O&M)**

Date of decision : September 26, 2017

Umesh Phaugat and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

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

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Ravi Matto, Advocate  
for respondent No.2.

\*\*\*

**LISA GILL, J.**

Prayer in this petition is for quashing of FIR No. 0116 dated 28.06.2016 under Section 34, 406, 498A, 506 IPC registered at Women Police Station Gurugram 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.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 27.03.2017 (Annexure P-6). The present petition has been filed on the basis of this compromise.

It is informed that petition under Section 13B of the Hindu Marriage Act, 1955 filed by respondent No. 2 and petitioner No. 1 is listed for 30.10.2017 for recording of statements of the parties at second motion.

This Court on 31.05.2017 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at voluntarily, without any coercion or undue influence. Learned Illaqa Magistrate was also directed to intimate whether any of the accused are proclaimed offenders. Information was sought regarding number of persons arrayed as accused.

Pursuant to order dated 31.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Gurgaon and their statements were recorded on 22.08.2017. Respondent No.2 stated that the matter has been compromised with all the accused petitioners out of her free will, without any fear, pressure, coercion or undue influence. Respondent No.2 stated that she has no objection to the quashing of the abovesaid FIR qua the accused petitioners. Statements of the petitioners in respect to the compromise were also recorded.

As per report dated 22.08.2017 received from the learned Judicial Magistrate First Class, Gurgaon it is opined that the compromise between the parties is genuine, arrived at out of free will of the parties, without any pressure or undue influence from any corner. None of the petitioners is reported to be a proclaimed offender. 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 subject to strict adherence to the terms and conditions of the settlement by 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. 0116 dated 28.06.2016 under Section 34, 406, 498A, 506 IPC registered at Women Police Station Gurugram 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.

September 26, 2017  
rts

(Lisa Gill)  
Judge

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