

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

Criminal Misc. No. M- 19905 of 2017(O&M)

Date of Decision: September 11 , 2017.

Okesh Kumar and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sushil Sheoran, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Mohit, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.331 dated 14.05.2013 under Sections 498A/406/506/323/34 IPC registered at Police Station Sadar Bhiwani, District Bhiwani 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 was arrived at between the parties, the terms of which were reduced into writing on 20.05.2017 (Annexure P2). It is informed that marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce dated 18.03.2015. The

complainant/respondent No.2 has admittedly remarried.

This Court on 31.05.2017 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 validity or otherwise of the compromise.

Pursuant to order dated 31.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Bhiwani and their statements were recorded on 24.07.2017. Respondent No.2 stated that divorce already stands granted to her and her husband i.e., petitioner No.1. It is stated that she has received the entire settled amount of ₹3,00,000/-. The compromise, it is stated, has been arrived at out of her own free will and consent, without any coercion or undue influence. Respondent No.2 further stated that she has no objection in case the abovesaid FIR is quashed against all the accused petitioners. Statements of the petitioners in respect to the settlement was recorded as well.

As per report dated 24.07.2017 received from the learned Judicial Magistrate First Class, Bhiwani it is opined that the compromise between the parties is genuine and outcome of free consent of the parties. 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 in view of the settlement, respondent No.2 has no objection to the quashing of the abovementioned FIR against all the petitioners.

Learned counsel for the State, on instructions from ASI Satya Narain, submits that as the abovesaid FIR arises out of a matrimonial dispute, the State has no serious 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.331 dated 14.05.2013 under Sections 498A/406/506/323/34 IPC registered at Police Station Sadar Bhiwani, District Bhiwani alongwith all consequential proceedings are, hereby, quashed.

September 11 , 2017.
'om'

(**LISA GILL**)
JUDGE

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