

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

Criminal Misc. M- No. 20504 of 2017 (O&M)

Date of decision : August 10, 2017

Tajinder Pal Singh

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. H.P.S. Bhinder, Advocate for the petitioner.

Mr. Sandeep Vashisht, DAG, Haryana.

None for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No. 35 dated 23.02.2013 under Sections 498A, 406, 34 IPC registered at Police Station Chhachhrauli, District Yamunanagar as well as order dated 18.01.2014 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 - petitioner. Two other co-accused were acquitted by the learned trial Court. 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 16.10.2015 (Annexure P-6). The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

This Court on 01.06.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements in respect

to the above-mentioned compromise. Learned trial court/Illaq Magistrate

was directed to submit a report regarding the validity or otherwise of the compromise after recording the statements of all the concerned parties.

Pursuant to order dated 01.06.2017, the parties appeared before the learned Judicial Magistrate First Class, Bilaspur and their statements were recorded on 20.07.2017. Liberty was afforded to the petitioner for recording his statement through the special power of attorney holder – Sh. Malkiat Singh. Respondent No. 2 stated that the matter has been amicably resolved between the parties. The compromise, it is stated, has been arrived at out of her own free will, without any pressure or coercion. Respondent No. 2 further stated that she has received a sum of Rs. 6 lakhs from Manjeet Kaur and Darshan Singh i.e. the parents of the petitioner. The co-accused of the petitioner have been acquitted. The complainant stated that she no longer wishes to pursue the matter against the petitioner – her husband and has no objection in case the present FIR against the petitioner is quashed. It is revealed by her that divorce was granted to her and her husband on 08.11.2016 by the court of competent jurisdiction. Statement of the petitioner through special power of attorney -Sh. Malkiat Singh in respect to the compromise was also recorded.

As per report dated 26.07.2017 received from the learned Judicial Magistrate First Class, Bilaspur, it is opined that the compromise between the parties is valid and arrived at without any pressure of any kind. Statements of the parties are appended alongwith the said report.

Learned counsel for respondent No.2 affirms 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. 35 dated 23.02.2013 under Sections 498A, 406, 34 IPC registered at Police Station Chhachhrauli, District Yamunanagar as well as order dated 18.01.2014 alongwith all consequential proceedings are, hereby, quashed.

August 10, 2017
rts

(Lisa Gill)
Judge

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